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Summary record of the 34th meeting
Held at Headquarters, New York, on Thursday, 29 October 2009, at 10 a.m.

Chairperson: Mr. Penke ..... (Latvia)

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09-58320 (E)

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The meeting was called to order at 10.10 a.m.

Agenda item 65: Promotion and protection of the rights of children *(continued)*

(a) Promotion and protection of the rights of children *(continued)* (A/C.3/64/L.20 and Rev.1 and A/C.3/64/L.21 and Rev.1)

Draft resolution A/C.3/64/L.20: The girl child

1. **Mr. Mbuende** (Namibia), introducing draft resolution A/C.3/64/L.20 on behalf of the Southern African Development Community (SADC), said that Chile and Guatemala had become sponsors. The Convention on the Rights of the Child notwithstanding, girls continued to be victims of all forms of discrimination and violence. The draft resolution urged Member States to undertake legal reforms with a view to protecting the fundamental rights and freedoms of girls and promoting gender equality in all areas. As in previous years, the SADC hoped that with the support of Member States, the draft resolution would be adopted by consensus.

2. **Mr. Khane** (Secretary of the Committee) said that Armenia, Belarus, Cameroon, Cape Verde, the Congo, Côte d'Ivoire, Ecuador, Ethiopia, Honduras, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, the Republic of Korea, Rwanda, Senegal, Sierra Leone, Timor-Leste and Uzbekistan had also become sponsors of the draft resolution.

Draft resolution A/C.3/64/L.21: Rights of the child

3. **Ms. Edblom** (Sweden), introducing draft resolution A/C.3/64/L.21 on behalf of the European Union and the Group of Latin American and Caribbean States, said that Albania, Andorra, Armenia, Australia, Bosnia and Herzegovina, Croatia, Iceland, Liechtenstein, Monaco, Montenegro, the Republic of Moldova and Serbia had become sponsors. The Convention on the Rights of the Child was the most universally ratified of the human rights instruments, and the draft resolution traditionally received broad support. The sponsors therefore hoped that it would once again be adopted by consensus.

4. The draft resolution focused on the right to be heard, a general principle which was established in article 12 of the Convention and, more recently, was the subject of General Comment No. 12, adopted at the fifty-first session of the Committee on the Rights of the Child. The substantive part of the resolution dealt with measures that Member States and other actors must take in order to enable children to exercise that right safely and meaningfully. It also reaffirmed the importance of a good education and the role of schools in promoting children's participation, and recognized the role of parents and other caregivers in that regard.

5. In order to allow for more thorough discussion of and more open consultation on the issue, the sponsors had amended the format of the draft resolution, which remained general in scope and which took a more forward-looking approach that focused on current developments; thus, it made reference to the financial crisis and to the appointment of the Special Representative of the Secretary-General on Violence against Children.

6. **Mr. Khane** (Secretary of the Committee) said that Azerbaijan, Belarus, Cameroon, Cape Verde, the Congo, Côte d'Ivoire, Croatia, the Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Kenya, Kyrgyzstan, Liberia, Madagascar, Malawi, Mongolia, Mozambique, Namibia, the Niger, Nigeria, Norway, the Republic of Korea, Rwanda, Senegal, Sierra Leone, the former Yugoslav Republic of Macedonia, Timor-Leste and Ukraine had also become sponsors.

Agenda item 69: Promotion and protection of human rights *(continued)*

(a) Implementation of human rights instruments *(continued)* (A/C.3/64/L.22, L.23 and L.24)

Draft resolution A/C.3/64/L.22: International Covenants on Human Rights

7. **Ms. Fröberg** (Finland), introducing draft resolution A/C.3/64/L.22 on behalf of its sponsors, said that Albania, Armenia, Australia, Bolivia (Plurinational State of), Canada, Costa Rica, Croatia, El Salvador, Hungary, Ireland, Italy, Malta, Montenegro, Poland, the Republic of Moldova and Serbia had become sponsors. The draft resolution focused on recent developments in international law and, in particular, the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the General Assembly. The Optional Protocol had been signed by 30 countries and needed to be ratified by 10 more States in order to enter into force. The purpose of the draft resolution was to place the Optional Protocol on an equal footing with the two Optional Protocols to the

International Covenant on Civil and Political Rights and to highlight the work of the Human Rights Committee, which had recently adopted a General Comment on the obligations of States parties under the first Optional Protocol to the International Covenant on Civil and Political Rights, and of the Committee on Economic, Social and Cultural Rights, which had adopted General Comments on the right to social security and on non-discrimination in economic, social and cultural rights. Consultations were ongoing, and she hoped that the draft resolution would be adopted by consensus.

8. **Mr. Khane** (Secretary of the Committee) said that Cape Verde, the Congo, Honduras and Peru had also become sponsors.

Draft resolution A/C.3/64/L.23: Torture and other cruel, inhuman or degrading treatment or punishment

9. **Ms. Raabymagle** (Denmark), introducing draft resolution A/C.3/64/L.23 on behalf of the sponsors, said that Albania had become a sponsor and that China had been erroneously included in the list of sponsors. Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment was a non-derogable right that must be protected under all circumstances, the draft resolution urged States to ensure that secret places of detention and interrogation were abolished and emphasized that conditions of detention must respect the dignity and human rights of detainees. It stressed the importance of cooperation between States and the three pillars of the United Nations system on the issue of torture: the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment; the Committee against Torture; and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The relevant provisions of the Universal Declaration of Human Rights notwithstanding, torture remained difficult to combat because it was so often conducted in secret.

10. It had been 11 years since Denmark had first introduced the annual omnibus resolution seeking to strengthen protection against torture. He hoped that the draft resolution would be adopted as usual with the support of all members of the Committee.

11. **Mr. Khane** (Secretary of the Committee) said that Andorra, Azerbaijan, Bolivia (Plurinational State of), Cape Verde, the Congo, Ecuador, El Salvador, Honduras, Kyrgyzstan, Micronesia (Federated States of), Mongolia, Paraguay, Peru, the Republic of Korea, the Republic of Moldova and Timor-Leste had become sponsors.

Draft resolution A/C.3/64/L.24: Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

12. **Ms. Hill** (New Zealand), introducing draft resolution A/C.3/64/L.24 on behalf of the sponsors, said that Argentina, Brazil, Bulgaria, Chile, Colombia, Denmark, Germany, Honduras, Montenegro, Nicaragua, Nigeria, Panama, Peru, Portugal, the Republic of Moldova, San Marino, Serbia and Togo had become sponsors. The Convention on the Rights of Persons with Disabilities had gained support more rapidly than any other human rights instrument. In the past year alone, the number of States parties to the Convention had doubled, and it had already been signed by 150 countries. The straightforward text of the draft resolution highlighted the progress made. She urged delegations to support the draft resolution so that it could be adopted by an even broader consensus than the previous year.

13. **Mr. Khane** (Secretary of the Committee) said that Armenia, Austria, Azerbaijan, Benin, Cameroon, Cape Verde, Cyprus, the Congo, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Greece, India, Italy, Jamaica, Latvia, Lesotho, Lithuania, Malawi, Morocco, Namibia, Uganda, Paraguay, the Philippines, Romania, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, the former Yugoslav Republic of Macedonia, Turkey and Yemen had joined the list of sponsors.

Agenda item 61: Social development (*continued*)

(b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (A/C.3/64/L.4/Rev.1) (*continued*)

Draft resolution A/C.3/64/L.4/Rev.1: Policies and programmes involving youth

14. **The Chairperson** said that the draft resolution contained no programme budget implications.

15. **Ms. Sow** (Senegal), introducing draft resolution A/C.3/64/L.4/Rev.1 on behalf of the sponsors, said that Andorra, Armenia, Australia, Azerbaijan, Finland, the

Gambia, Hungary, Luxembourg, the Netherlands, the Niger, the Republic of Korea and Turkey had become sponsors. The priority areas of the World Programme of Action for Youth were interrelated and their implementation would promote achievement of the Millennium Development Goals, particularly those aimed at reducing poverty. She hoped that the draft resolution would be adopted by consensus.

16. **Mr. Khane** (Secretary of the Committee) announced that Albania, Angola, Belize, Benin, Bosnia and Herzegovina, Botswana, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, the Congo, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Djibouti, the Dominican Republic, Eritrea, Estonia, Ethiopia, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Jordan, Kenya, Lesotho, Liberia, Liechtenstein, Lithuania, Madagascar, Malawi, Mali, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nicaragua, Nigeria, Norway, Paraguay, Philippines, Qatar, Rwanda, San Marino, Saudi Arabia, Serbia, Sierra Leone, Slovakia, South Africa, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, Ukraine and Uruguay had become sponsors of the draft resolution.

17. *Draft resolution A/C.3/64/L.4/Rev.1 was adopted without a vote.*

18. **Ms. Khvan** (Russian Federation) said that she welcomed the adoption by consensus of the draft resolution and thanked the sponsors for taking into account the majority of the comments made by her delegation. She noted that extremist ideologies, including neo-Nazism and neo-Fascism, were among the main threats to youth and that further efforts in that regard were particularly important on the eve of the sixty-fifth anniversary of the end of the Second World War.

Agenda item 62: Advancement of women (*continued*)

(a) Advancement of women (*continued*)
(A/C.3/64/L.16 and Rev.1, L.18 and L.25*)

Draft resolution A/C.3/64/L.18: Violence against migrant women workers

19. **Ms. Banzon-Abalos** (Philippines), introducing draft resolution A/C.3/64/L.18 on behalf of the sponsors, said that Belarus had become a sponsor. Over the past 20 years, approximately half of all migrant workers had been women. Typically, they migrated only to seek gainful employment and most worked in the least respected jobs in the informal, manufacturing and service sectors, in domestic work and in entertainment. Those were fields in which many serious human rights violations occurred. Although women migrant workers obviously made an important contribution to the development of both their countries of origin and their countries of destination, that contribution was not always fully acknowledged, a fact that impacted on the way they were regarded and treated. Women migrant workers were vulnerable at all stages of the migration process: in their countries of origin, where they could be confined physically and sexually violated by recruiting agents; during the trip, when they could be abandoned or subjected to physical and sexual abuse; in the country of destination, where many of them faced employment discrimination or performed domestic work where their privacy and well-being were not always respected and where abuse was common; and when they returned to their country of origin, where relationships with their spouses and families were sometimes difficult and where they faced possible stigmatization in their communities. Furthermore, globalization and its impact on the economy had often exacerbated the exploitation of women migrant workers.

20. The draft resolution presented basic principles for the protection of women migrant workers from abuse and sought not only to raise awareness of those women's situation, but also to provide States with guidance on how to prevent and eliminate various forms of exploitation of women migrant workers.

21. **Mr. Khane** (Secretary of the Committee) said that Benin, Bolivia (Plurinational State of), Burundi, Chile, Côte d'Ivoire, the Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, the Gambia, Guatemala, Guinea, Honduras, Namibia, Nicaragua, Nigeria, Paraguay, Peru, Senegal, Sri Lanka, Timor-Leste, Uganda, Zambia and Zimbabwe had become sponsors of the draft resolution.

Draft resolution A/C.3/64/L.16/Rev.1: Intensification of efforts to eliminate all forms of violence against women

22. **The Chairperson** said that the draft resolution contained no programme budget implications.

23. **Ms. Samson** (Netherlands), introducing draft resolution A/C.3/64/L.16/Rev.1 on behalf of the sponsors, said that Argentina, Armenia, the Republic of

Moldova and Tanzania had become sponsors. The draft resolution, which addressed primarily institutional issues, focused on the efforts of organizations of the United Nations system to eliminate violence against women. Its sponsors urged States and other stakeholders to increase their voluntary contributions to the Trust Fund in Support of Actions to Eliminate Violence against Women, in order to meet the annual target of 100 million dollars by 2015. They welcomed the establishment of the Secretary-General's database on violence against women and requested the support of Member States and relevant United Nations entities.

24. At the informal consultations, there had been a general preference that the draft resolution should continue to focus on all forms of violence against women. It had therefore been decided not to include some of the proposed amendments, including the one presented in document A/C.3/64/L.25*. She hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/64/L.25: Intensification of efforts to eliminate all forms of violence against women*

25. **The Chairperson** said that the draft resolution had no programme budget implications.

26. **Mr. Hassan** (Sudan), speaking on behalf of the Group of Arab States, introduced the amendment to draft resolution A/C.3/64/L.16/Rev.1 contained in document A/C.3/64/L.25* and recalled that the wording of the draft amendment had previously been agreed as contained in General Assembly resolution 63/155, adopted by the Third Committee. The Group considered it necessary to refer specifically to situations of armed conflict and foreign occupation, which required close attention. Representatives of the Group had participated in consultations organized by the sponsors of draft resolution A/C.3/64/L.16/Rev.1 and had proposed the draft amendment, which was not reflected in the final draft and was thus, in their opinion, incomplete.

27. **Ms. Samson** (Netherlands) said that her country and France, as the main sponsors of draft resolution A/C.3/64/L.16/Rev.1, regretted that a draft amendment had been submitted. During the informal consultations, which had been conducted in a transparent manner, the Syrian Arab Republic's proposed amendment, contained in document A/C.3/64/L.25*, had been discussed but not agreed upon. Document A/C.3/64/L.16/Rev.1 was a draft resolution of a procedural nature that focused on efforts of the United Nations system to eliminate all forms of violence against women and had been drafted on the basis of General Assembly resolution 62/133 and of the report of the Secretary-General (A/64/151), while Assembly resolution 63/155 was addressed primarily to States. The draft aimed to address all forms of violence against women rather than one form in particular. The Syrian proposal had not been accepted during the informal consultations because it risked shifting the balance of the text by highlighting only certain circumstances in which violence against women occurred rather than stressing that the United Nations system should intensify its efforts to eliminate all forms of violence against women. Since the Group of Arab States had not joined the consensus, the Netherlands and France called for a recorded vote on the draft amendment contained in document A/C.3/64/L.25* and would vote against it for the reasons mentioned.

28. **Ms. Phipps** (United States of America), speaking in explanation of vote before the voting, said that while it was true that the text of the amendment introduced by the Group of Arab States was agreed wording, draft resolution A/C.3/64/L.16/Rev.1 focused on the efforts of the United Nations system to combat violence against women rather than on measures taken by States. Her delegation, like other sponsors of the resolution, would vote against inclusion of the amendment introduced by the Group and contained in document A/C.3/64/L.25*.

29. **Mr. Pérez** (Peru) said that his country condemned all acts of violence against women. It stood in solidarity with the victims and understood their vulnerability in situations of armed conflict. However, the objective of draft resolution A/C.3/64/L.16/Rev.1 was to highlight advances made by the United Nations system in eradicating all forms of violence against women. Although Peru continued to support the position taken in the amendment, it would vote against draft resolution A/C.3/64/L.25*.

30. *A recorded vote on the amendment to draft resolution A/C.3/64/L.25* was taken.*

In favour:

Algeria, Bahrain, Bangladesh, Belarus, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the

Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Gambia, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Myanmar, Nicaragua, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, United Arab Emirates, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Australia, Austria, Belgium, Bulgaria, Burundi, Canada, Chile, Colombia, Congo, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malawi, Malta, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, New Zealand, Norway, Panama, Paraguay, the Netherlands, Peru, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America.

Abstaining:

Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Benin, Bhutan, Botswana, Cape Verde, Costa Rica, Côte d'Ivoire, Dominica, Ethiopia, Grenada, Guinea, Guyana, Jamaica, Kenya, Liechtenstein, Maldives, Mali, Mexico, Mozambique, Namibia, Nepal, Niger, Nigeria, Republic of Korea, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Serbia, Sri Lanka, Switzerland, Suriname, Timor-Leste, Trinidad and Tobago, Uganda, United Republic of Tanzania, Zambia.

31. *The proposed amendment contained in draft resolution A/C.3/64/L.25* was rejected by 60 votes to 52, with 40 abstentions.*

32. **Mr. Suárez** (Colombia) said that his country had voted against the amendment because, although it contained agreed language, it had been clear during the consultations that document A/C.3/64/L.16/Rev.1 was a procedural resolution that focused on the work of the United Nations system.

33. **Ms. Ivanović** (Serbia) said that as a sponsor of draft resolution A/C.3/64/L.16/Rev.1, her delegation regretted that it had been necessary to submit a new amendment. However, she recognized the importance of the issue raised by the Group of Arab States, and, for that reason, her delegation had abstained from voting on the amendment.

34. **Mr. Khane** (Secretary of the Committee) said that Algeria, Antigua and Barbuda, Austria, Bahamas, Belize, Burkina Faso, Burundi, Cape Verde, Cyprus, Dominica, Dominican Republic, Ecuador, Ethiopia, Grenada, Guyana, Haiti, India, Israel, Jamaica, Mali, Mexico, Monaco, Namibia, Nicaragua, Nigeria, Philippines, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Slovakia, Thailand, Timor-Leste, Trinidad and Tobago, Ukraine, United States of America, Uruguay and Zambia had become sponsors of the draft resolution.

35. **Ms. Sapag** (Chile) said that draft resolution A/C.3/64/L.16/Rev.1 was a priority for her delegation and that, since the adoption of General Assembly resolution 61/143, the United Nations system had made many efforts to combat all forms of violence against women. She thanked the bodies of the United Nations system that were promoting initiatives in that area, such as the Secretary-General's database on violence against women and the Say NO — UNiTE to End Violence against Women campaign. The draft resolution stressed the need to make voluntary contributions to the Trust Fund in Support of Actions to Eliminate Violence against Women. The text was well balanced since it addressed all forms of violence; to draw such distinctions among them would lead to failure.

36. *Draft resolution A/C.3/64/L.16/Rev.1 was adopted.*

37. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had joined the consensus but was deeply concerned about the refusal to insert a paragraph that was already part of the draft resolution adopted the previous year. It had introduced the amendment on situations of armed conflict and foreign occupation on behalf of the Group of Arab States in order to emphasize that in certain difficult circumstances, it was necessary to step up efforts in accordance with the

Charter of the United Nations, international humanitarian law and international human rights law. The sponsors of the draft resolution had turned a deaf ear and had made weak arguments motivated by personal interests, thereby hampering achievement of the noble goal of eliminating all forms of violence against women in all circumstances. To say that the text was a procedural resolution on the work of the United Nations system was far from the truth. In addition, the amendment concerned the responsibility of the United Nations, which applied also to occupied territories.

38. **Mr. Rastam** (Malaysia) said that while his delegation understood the approach taken by the sponsors of draft resolution A/C.3/64/L.16/Rev.1, it strongly supported the principles contained in the proposed amendment (A/C.3/64/L.25*) and believed that they should not have been rejected. The elimination of violence against women was a priority for his Government, which had a zero tolerance policy in that regard. Although Malaysia had voted for the proposed amendment contained in draft resolution A/C.3/64/L.25*, it supported draft resolution A/C.3/64/L.16/Rev.1 as a whole and had joined the consensus.

39. **Mr. Sparber** (Liechtenstein), speaking also on behalf of Andorra, Costa Rica and Switzerland, noted that draft resolution A/C.3/64/L.16/Rev.1 concerned United Nations efforts to eliminate violence against women. The fight against impunity must be at the centre of action by any United Nations agency confronting violence against women in the field, for impunity perpetuated the cycle of violence. The draft resolution should therefore have reflected the international community's commitment to accountability and to combating impunity, which were essential elements of United Nations efforts. His delegation had expected that the amendments it had proposed during the informal consultations would be incorporated into the draft resolution. Moreover, it had urged that more time should be spent on consultations and had suggested that the main sponsors should postpone action. It was nonetheless gratified that the draft resolution had been adopted without a vote and hoped to be able to join the sponsors in 2010.

The meeting rose at 11.40 a.m.

United Nations A/C.3/64/SR.35

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Summary record of the 35th meeting
Held at Headquarters, New York, on Thursday, 29 October 2009, at 3 p.m.

Chairperson: Mr. Penke ..... (Latvia)

Contents

Agenda item 64: Report of the Human Rights Council

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09-58326 (E)

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The meeting was called to order at 3.10 p.m.

Agenda item 64: Report of the Human Rights Council (A/64/7/Add.3, A/64/53, A/64/353; A/C.3/64/3)

1. **The Chairperson** drew the Committee's attention to the letter dated 28 October from the President of the General Assembly to the Chairperson of the Third Committee (A/C.3/64/3), informing the Chairperson that the General Assembly had decided to consider the report of the Human Rights Council on its twelfth special session, as contained in document A/64/53/Add.1, directly in plenary meeting, without setting a precedent.

2. **Mr. Van Meeuwen** (President of the Human Rights Council), introducing the report of the Human Rights Council on its tenth and eleventh sessions and eighth to eleventh special sessions (A/64/53), said that the Council had addressed various human rights issues, held dialogues with a number of special procedures mandate holders and interacted positively with the United Nations High Commissioner for Human Rights. It had reviewed 48 countries under the universal periodic review process, established a new mandate in the field of cultural rights and further broadened its human rights agenda. The Third Committee would be taking action on Council resolution 11/7 on guidelines for the alternative care of children, and decision 11/117 on issuance of reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations.

3. The Council continued to innovate: new formats and flexible mechanisms for the discussion of human rights issues had been established to promote interaction and dialogue and increase participation by experts, national human rights institutions and civil society, mindful of the fundamental importance of involving all stakeholders in its work. Panel discussions had been organized on various issues, for example the right to food, and human rights and climate change, with a view to increasing awareness and achieving concrete results.

4. The Council had reacted quickly to urgent human rights situations, holding special sessions on the situation of human rights in the east of the Democratic Republic of the Congo; grave human rights violations in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip; the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights; and assistance to Sri Lanka in the promotion and protection of human rights.

5. The upcoming five-year review of the Council would provide an opportunity to consolidate the gains made in the first years of its existence and also recognize its weaknesses by adjusting its mechanisms and methods of work with a view to better implementation of human rights commitments and further strengthening the Organization's human rights machinery. That would require the collaboration and commitment of the entire membership of the Council, civil society and all stakeholders.

6. **Ms. Schlyter** (Sweden), speaking on behalf of the European Union, the candidate country the former Yugoslav Republic of Macedonia, the stabilization and association process countries Albania, Bosnia and Herzegovina and Montenegro; and, in addition, Georgia and Ukraine, recalled that the General Assembly had decided that agenda item 64, on the report of the Human Rights Council, would be considered in both the General Assembly and the Third Committee on the understanding that the Committee would only consider and, if necessary, take action on, resolutions and decisions recommended for adoption or implementation by the General Assembly. The European Union would address the report of the Human Rights Council in its entirety in the General Assembly and restrict its remarks at the current meeting to the relevant recommendations.

7. The European Union took note of Council decision 11/117 on issuance of reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations, according to which all reports of the universal periodic review must be translated into all official languages before their adoption by the Council and made widely available. It also took note of the guidelines for the alternative care of children contained in the annex to Council resolution 11/7 and looked forward to discussing those matters in the Committee.

8. **Mr. Ashiki** (Japan) commended the Human Rights Council for its work but said that its report should be presented directly to the General Assembly. The Council's mandate was to broaden international cooperation in the field of human rights and respond rapidly to urgent human rights situations. The Third

Committee, as a universal forum, allowed all nations to express their views on human rights issues and gain an understanding of what other countries were doing in that area. The two should cooperate and take advantage of each other's strengths.

9. His delegation would participate actively in the forthcoming review of the functioning of the Council in the hope of strengthening its ability to respond rapidly and constructively to gross and systematic human rights violations. It would also continue to support the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its efforts to promote human rights.

10. He underscored his delegation's concern at continued discrimination against victims of leprosy, which was a curable disease. It had played an active role in the elaboration by the Human Rights Council Advisory Committee of a draft set of principles and guidelines for elimination of discrimination against persons affected by leprosy and their family members and had recently submitted a draft resolution on that topic to the Council, which had been adopted by consensus at its 12th session. In the coming years his delegation would sponsor a resolution in the General Assembly on international cooperation to eliminate discrimination against persons affected by leprosy and would continue to play a leading role in that area.

11. **Mr. Tolkach** (Russian Federation) said that in its first three years the Human Rights Council had begun to depoliticize the human rights dialogue and had facilitated constructive discussion of human rights questions within the United Nations. He welcomed the institution of thematic panel discussions and meetings, through which considerable independent expertise could be brought to bear on current issues and also noted the constructive attitude of participants in the universal periodic review procedure and the objective approach displayed in the outcomes. The Russian Federation, which had been the subject of the review procedure in February and June 2009, had agreed to accept over 70 per cent of the recommendations made and was already implementing them.

12. He was however concerned at the manner in which some of the special rapporteurs interpreted their mandates, in disregard of the Council's Code of Conduct for Special Procedures Mandate-holders, which was a necessary tool for ensuring mutually respectful and constructive dialogue between Member States and the Council. Excessive attention paid to the situation in particular countries and regions was detracting from the universal focus which the thematic procedures were intended to adopt. Moreover, a polarization was taking place in the Council around the interests of different groups of States, and differences of principle were emerging in the understanding of human rights in general, and the role of the Council in particular.

13. He also deplored the double standards adopted at Council meetings by a number of States when policy decisions had to be taken. Some States sought to use human rights to exert pressure on the political situation in a country, in order to achieve their own political or economic goals. Human rights questions must be discussed solely on a basis of equality and mutual respect, with the emphasis on concrete results. Human rights standards were universal, but the means of achieving them might vary, depending on the national and cultural characteristics of particular States. It was unacceptable for some States to condescendingly instruct others in human rights and democracy.

14. In order to depoliticize human rights, his delegation had initiated a discussion within the Council of the linkage between traditional values and human rights. Acknowledging that linkage would give greater weight to the concept of human rights as far as the ordinary person was concerned and help to correct the present distorted perception of human rights while strengthening respect for them. The forthcoming review of the Council's work would be especially significant in view of the integration of human rights into all aspects of the work of the United Nations. He welcomed the decision to launch the intergovernmental discussion of the question within the Council itself. It was hoped that all parties concerned would participate actively in the forthcoming reform process.

15. **Mr. Attiya** (Egypt) said that, through its Council membership, his country sought to focus on the complementary relation between national and international institutions on the one hand, and between the various human rights mechanisms on the other hand. That approach would strengthen collective action, while avoiding politicization and ensuring that the Council did not focus on certain rights to the detriment of others. All States should undergo the universal periodic review process on an equal footing. They should cooperate with special procedures mandate holders, including by extending invitations

and responding promptly to correspondence. In return, the mandate holders should keep to their mandates, seek to establish a dialogue with States, and ensure that their reports were objective and based on reliable information.

16. The Committee should reject attempts to take ownership of human rights issues on the basis of an unfounded belief in the superiority of certain models. The General Assembly and Economic and Social Council were responsible for supervising the Human Rights Council, special procedures mandates and treaty bodies. Country-specific resolutions should not be submitted to the Third Committee in order to bypass the Human Rights Council. Staff members should not be appointed to monitor human rights in the context of development programmes. The Council and the Office of the High Commissioner for Human Rights must receive the financial support necessary for the fulfilment of their mandates. By providing advice and technical support, the Council could complement the work of the Committee and of Governments.

17. By endorsing the report of the Council without a vote, the General Assembly would assert its determination to address human rights in a constructive and balanced manner. His delegation looked forward to further efforts to realize the right to development. In accordance with the Durban Declaration and Programme of Action, the international community should combat discrimination on the grounds of race, gender, language or religion, especially where minorities and migrants were affected. In so doing, it should eschew conditionalities and controversial concepts which had no basis in international law and ignored the diversity of societies, cultures and values.

18. **Mr. Sammis** (United States of America) said that his delegation's decision to join the Human Rights Council had been based on a vision of what could be accomplished together with the Council and all Member States in a spirit of mutual respect. That vision was not an American vision but one that reflected the aspirations embodied in the Universal Declaration of Human Rights and the mandate of the Council. Human rights and democracy were essential for sustained prosperity and lasting security. His delegation's approach to the Council's work would be guided by four tenets: the universality of human rights, dialogue among nations and peoples, principled engagement, and fidelity to the truth.

19. His delegation would support what the Council did well but pledged to challenge actions that might undermine its effectiveness. The members of the Council must build partnerships, listen and learn from one another and find common ground. His delegation would steadfastly affirm the responsibility of all Governments, including its own, to implement the rights and freedoms spelled out in international human rights law and with a view to improving the lives of victims and preventing abuses.

20. The report of the Council reflected the broad scope of its work and its heavy workload. Looking back on the Council's work in the past year, there was much with which his delegation could agree as well as much with which it took strong exception. It supported for example the Council's considerable work on women's issues, trafficking in persons, Somalia, Sudan and the Democratic Republic of the Congo. It was however disappointed by the Council's failure to seriously address grave situations, for example in the Islamic Republic of Iran, and its continued one-sided treatment of Israel. His delegation had not been able to support the many resolutions targeting Israel, in large part because they criticized the Government of Israel while making no mention of Hamas.

21. His country was committed to working to strengthen the Organization's human rights mechanisms and improve its ability to improve the lives of the world's most vulnerable people. The United Nations and its Member States and the victims of human rights violations around the world in particular deserved no less.

22. **Mr. Ndimeni** (South Africa) commended the Human Rights Council for its work but expressed concern at the inadequate funding of the Council, in particular with regard to the translation into all official languages of reports submitted in the context of the universal periodic review process. He encouraged the President of the Council to make every effort to ensure that that issue was addressed and assured him of his delegation's support in those endeavours.

23. He looked forward to the forthcoming review of the Council's work, which should deal inter alia with the relation between the Council and the Third Committee. He therefore welcomed the establishment of the open-ended intergovernmental working group on the review of the work and functioning of the Human

Rights Council and looked forward to participating actively in its discussions.

24. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) reiterated his country's rejection of Human Rights Council resolution 10/16 on the situation of human rights in the Democratic People's Republic of Korea, contained in the report of the Council. That resolution had been adopted despite the opposition of many Council members. As a result, the Council had been abused by some member States that wished to politicize its work and impose double standards.

25. The Council had been established in the hope of promoting dialogue and cooperation for the promotion of human rights, in contrast to the confrontation and mistrust that had prevailed in the Commission on Human Rights. The universal periodic review provided a mechanism for the equal treatment of the human rights situation of every country, but the politically motivated actions of some States risked undermining that mechanism.

26. His delegation firmly opposed country-specific resolutions, which were a clear manifestation of politicization, selectivity, and double standards. While his delegation valued the international human rights bodies and their work, it would not tolerate any irresponsible or discriminatory actions. His Government would continue to guarantee the human rights, freedom and well-being of its people in law and practice based on the principle of people-centred actions and would likewise continue to support the worldwide promotion and protection of human rights.

27. **Ms. Pérez Álvarez** (Cuba) said that the Human Rights Council, established the following extensive consultations, had proven its worth as a representative and democratic forum for discussion in replacement of the discredited and politicized Commission on Human Rights. The Council had succeeded in asserting its role despite the opposition of certain States, which constituted a triumph for the South countries in particular.

28. While challenges remained to the Council's role as a forum for dialogue and cooperation, for example the continuation of country-specific special procedures, in a relatively short period of time it had shown itself to be an effective mechanism for the promotion of human rights. The innovative universal periodic review mechanism was fully operational and had considered the reports of more than 80 countries. That mechanism must be further consolidated and strengthened. The Council had also shown its ability to respond to urgent human rights situations of international importance, adopting, for example, resolutions on the human rights violations by Israel in the Occupied Palestinian Territory, and holding special sessions on issues including the impact of the global economic and food crises on the universal realization and effective enjoyment of human rights.

29. The Council must continue to ensure a collective and effective response to crises that threatened human rights worldwide. Those who criticized the work of the Council because they had lost their special status or advocated reform aimed at a return to the selectivity of the Commission on Human Rights should instead join with the Council in promoting a world where everyone had the right to justice and development. The Council must ensure that the right to development of the developing countries was not sacrificed to efforts to rescue the financial sector during the current economic crisis.

30. Hunger would continue to increase in a world characterized by injustice and inequality. The Council must therefore ensure that economic, social and cultural rights were accorded just as high a priority as civil and political rights. She also stressed the need for special procedures mandate holders to carry out their work in a non-selective and impartial manner and in accordance with their mandates.

31. The report of Cuba had been considered by the Working Group on the Universal Periodic Review in February 2009; the results of that review confirmed the progress made through the Cuban revolution. Lastly, she echoed the urgent concern voiced by the representative of South Africa concerning the underfunding of the Council, in particular with regard to translation into all official languages of reports relating to the universal periodic review.

32. **Mr. Loulichki** (Morocco) underscored his delegation's commitment to constructive dialogue with international human rights mechanisms, including the Human Rights Council. Morocco had played an important role in establishing the working methods of the universal periodic review and ensuring that that innovative mechanism would reliably and objectively review States' human rights needs and capacities, and had helped define the relationship between the Council and the Office of the High Commissioner for Human

Rights. It had submitted its first report under the universal periodic review process and worked actively to strengthen the Council as well as other human rights mechanisms.

33. He noted the holding of a seminar on education and human rights training held in Marrakesh in July 2009, welcomed Council decision 12/118 (A/HRC/DEC/12/118) on a United Nations declaration on human rights education and training and looked forward to the establishment of flexible and effective mechanisms in that regard. He likewise welcomed Council resolution 12/4 (A/HRC/RES/12/4) on the World Programme for Human Rights Education and General Assembly resolution 63/169 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights.

34. His Government had hosted a mission of the Working Group on Enforced or Involuntary Disappearances in June 2009, the first of its kind in an Arab and Muslim African country. The Working Group had noted the role played by Morocco's Equity and Reconciliation Commission (IER), which served as an example for other countries, in particular in the region.

35. The forthcoming review of the work of the Council would provide an opportunity to strengthen the Council and its mechanisms. Efforts at the national level could not succeed in meeting human rights goals without a collective commitment on the part of the international community. The United Nations, Governments and civil society must therefore promote partnerships, strengthen local capacity and encourage participation by all stakeholders with a view to overcoming remaining challenges in the promotion and protection of human rights.

36. **Mr. Liu** Zhenmin (China) commended the Human Rights Council for its work, in particular its holding of special sessions on the current financial and food crises, with particular attention to the effects of those crises on the developing countries and vulnerable groups. The Council must however continue to improve its mechanisms with a view to eliminating the politicization and double standards of the Commission on Human Rights and adhering to the fundamental principles of impartiality, objectivity and non-selectivity. It must respect differing points of view, enhance mutual understanding and cooperation through dialogue and consider human rights issues in a constructive manner.

37. The purpose of the forthcoming five-year review of the Council's work was not to start all over again but rather to identify shortcomings and improve the functioning of the Council. He therefore welcomed Council resolution 12/1 on the establishment of an open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council. All parties should participate in the group's work in a constructive manner with a view to strengthening communication and ensuring a productive review.

38. China worked tirelessly to promote human rights at the domestic level. His delegation had always met its responsibilities as a member of the Human Rights Council in good faith. It would continue to encourage dialogue and cooperation within the Council and ensure that human rights issues were considered in an impartial, objective and non-selective manner with a view to achieving the noble objective of promoting and protecting human rights.

39. **Mr. Toder** (Ukraine) said that the Human Rights Council represented a historic opportunity to promote the dignity of all persons. Its fourth report illustrated the steady progress made in institution-building. His delegation hoped that the universal periodic review would make an important contribution to dialogue on, and implementation of, human rights standards. However, the interrelation between the universal periodic review and the treaty bodies needed to be addressed. Although both were essential, their legal bases and applications were distinct. It was therefore important to examine the synergy between the two. The treaty body mechanisms could and should be strengthened through the universal periodic review.

40. **Ms. Sobhan** (Bangladesh) said that the introduction of the universal periodic review was one of the most significant innovations in the field of human rights. Its universality was its greatest strength, with all countries facing scrutiny regardless of their region, size or influence. It would make controversial country-specific mechanisms a thing of the past. The credibility of the United Nations human rights system depended upon satisfactory implementation of the review. With the active participation of Member States and the proper implementation of its recommendations,

human rights situations around the world would be improved.

41. Her delegation welcomed the adoption of General Assembly resolution 63/167, which addressed the staff composition of the Office of the High Commissioner for Human Rights. The resolution was a necessary step in order to support the Council's mandate. In particular, her delegation welcomed the reference in paragraph 1 to equitable geographic distribution. It would have been preferable for the resolution to have been adopted without a vote. Her delegation also appreciated the adoption of Human Rights Council resolution 11/4 on promotion of the right of peoples to peace.

42. Bangladesh was broadly satisfied with the Council's progress thus far. The Council could ill afford to make any false steps. It must constantly take stock of its operations and maintain high standards. The special procedures system was an important way to promote and protect human rights. Her delegation therefore welcomed Human Rights Council resolution 11/11 on the system of special procedures. However, a few special procedures mandate holders appeared to have gone beyond their mandates, and some had submitted inappropriate or insufficient reports.

43. The fact that a report had been considered by the Council did not mean that the topic in question could be omitted or treated in a cursory manner before the General Assembly, which represented all States Members of the United Nations. Unnecessary proliferation of new mandates should be avoided, as should granting undue importance to a particular issue or thematic area. The special procedures should be viewed as a whole to see where there were gaps or overlaps. A piecemeal approach would be counterproductive.

44. **Mr. Benmehidi** (Algeria) said that his country appreciated the Council's intensive work across a range of areas, and in particular the increasing focus on such topics as climate change and the global economic and financial crisis. The Council had become something akin to a permanent body, meeting in various configurations for 35 weeks each year. It was thus able to respond to emergency situations, and its status should be revised accordingly. The universal periodic review had helped establish the principle of non-selectivity by addressing all States on an equal footing. Algeria had undergone the review process and approved most of the recommendations, which were now being implemented. His country had also played an active part in considering other States' reports.

45. As the coordinator of the African Group, Algeria had contributed to the adoption of Human Rights Council resolution 5/2 containing the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, which had been endorsed by General Assembly resolution 62/219. The Code of Conduct would ensure the independence, moral authority, credibility and efficiency of special procedures mandate holders. Lastly, his delegation welcomed the adoption without a vote of General Assembly resolution 63/117 containing the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which opened the way for communications by or on behalf of individuals.

46. **Ms. Blum** (Colombia) commended the Human Rights Council for its ongoing work to promote human rights and expressed her delegation's support in particular for its resolutions on preventable maternal mortality and morbidity and human rights, which had been introduced by her delegation, alternative care of children, implementation of the Convention on the Rights of the Child, human rights education, trafficking in persons, enforced disappearances, arbitrary detention, violence against women and protection of human rights while countering terrorism.

47. The Council's consideration of the report of Colombia in the context of the universal periodic review process and its recommendations had been immensely valuable to domestic human rights institutions. The Council had taken note of progress made by her Government in guaranteeing respect for human rights. Her delegation had made 69 commitments following that review and accepted 96 recommendations.

48. Her Government had established a mechanism made up of representatives of the Presidential Human Rights Programme and the human rights directorates of the Ministry of Foreign Affairs and the Ministry of the Interior and Justice to ensure implementation of the outcome of the review. Regular progress reports with updates would be submitted every four months. The first such report had been submitted in June of the current year and posted on the Presidential Human Rights Programme website.

49. **Ms. Nakornthap** (Thailand) said that the Council had shown its versatility in responding to a number of urgent situations such as climate change, the global economic and financial crisis and the situation of human rights in the Occupied Palestinian Territory. In order for it to be effective, the principles of cooperation, dialogue, objectivity and non-selectivity must be upheld. The Council's attention to women's and children's issues was encouraging. Thailand had sponsored Human Rights Council resolution 11/8 on preventable maternal mortality and morbidity and human rights, which highlighted the human rights dimension of that issue and the connection between human rights and the achievement of the Millennium Development Goals. It was hoped that that resolution would promote efforts to achieve Millennium Development Goal 5, improving maternal health.

50. Her country had also sponsored Human Rights Council resolutions 10/2 on human rights in the administration of justice, in particular juvenile justice, and 11/2 on accelerating efforts to eliminate all forms of violence against women. Both drew attention to the issue of women and girls in prison, which her country was addressing through a national project. A national commission had begun drafting a new legislative framework. The United Nations Office on Drugs and Crime would convene an intergovernmental expert group in Bangkok in November 2009 to begin work in that area.

51. The universal periodic review had thus far elicited a positive response, and she hoped that the trend towards a truly cooperative mechanism would continue. Even though Thailand would not undergo the process until late 2011, the country had begun preparations for a national report. She was grateful to the Office of the High Commissioner for Human Rights for organizing a regional briefing on the topic, which would take place in November 2009. Thailand would be a candidate to became a member of the Human Rights Council for the period 2010-2013.

52. **Ms. Shahar-Ben Ami** (Israel) said that one of the difficulties facing the Council was to establish its legitimacy and overcome the credibility deficit left by the Commission on Human Rights. Like many other States, Israel had advocated substantive reforms in the Council's working methods, mandate, functions and composition. However, despite some marginal improvements, the Council had thus far failed to live up to its founding principles. Its most recent report to the General Assembly illustrated the erosion of its credibility and professionalism: it disregarded serious human rights violations in many parts of the world, including by members of the Council.

53. Under General Assembly resolution 60/251, the work of the Council should be guided by the principles of universality, impartiality, objectivity and non-selectivity. However, more resolutions and decisions had been adopted on Israel than on all of the other States Members of the United Nations combined. At the same time, the Council had remained deafeningly silent in the face of the terrorist attacks suffered by Israelis. Some members were increasingly manipulating human rights issues in a manner that threatened the very integrity of the Council and of the United Nations.

54. Israel was committed to safeguarding human rights and to engaging in candid and professional dialogue through various United Nations mechanisms, including the universal periodic review. Israel should be subject to review and constructive criticism on a fair and impartial basis and asked only that the international community stand by its own principles.

55. **Mr. Wolfe** (Jamaica) recalled that he had chaired the sixty-second session of the Committee, when it had first considered the Council's report. The core issue at the time had been the institutional architecture of the Council. There was now a more or less settled arrangement for the division of duties between the Committee, the Council and the General Assembly in plenary session. The Committee had an abiding responsibility to discuss the deliberations of the Council. Not all Member States were represented in the Council, and the Committee was mandated to consider all human rights issues.

56. The universal periodic review process had been intended to avoid the issue of country-specific resolutions, which remained highly divisive. His country believed that the Council and the Office of the High Commissioner for Human Rights must be provided with the necessary financial resources in order to fulfil their mandates. His delegation wished to know if the President of the Human Rights Council could comment on the extent to which the universal periodic review process had succeeded in being fair and objective. He asked the question only for clarification; the Committee retained the right to

consider all human rights issues and the broader universal periodic review process.

57. **Mr. Percaya** (Indonesia) said that the Council had made substantial progress in a considerably short period of time. While Indonesia valued the positive contributions of all special procedures mandate holders in the area of human rights, there remained some cases in which mandate holders had not complied with the Code of Conduct. Mandate holders must strictly observe the terms of their mandate. He also wished to highlight a procedural issue concerning the granting of credentials to a certain delegation. The Committee must take a timely decision and immediately convey it to the other relevant United Nations bodies, and in particular the Council. The High Commissioner should intensify efforts to achieve geographic balance in staffing.

58. His delegation welcomed the Council's endorsement through resolution 11/7 of the Guidelines for the Alternative Care of Children, which included provisions on tracing, family reintegration and emergency care. It appreciated the Council's focus on vulnerable groups, and its increasing attention to economic, social and cultural rights on an equal footing with civil and political rights. The Council's discussion of the impact of the current economic and financial crisis on the enjoyment of human rights was also welcome.

59. The division of work between the Committee and the Council required greater attention. The Committee should focus on a more policy-oriented discussion and provide strategic policy recommendations to the General Assembly. Those recommendations would guide the international community, including the Council, in the promotion and protection of human rights. Reviews of countries belonged within the purview of the Council and should be conducted through such established mechanisms as the universal periodic review.

60. The most effective aspects of the review process would be recognized during the second cycle, when States would be in a position to report back on the implementation of recommendations. Lastly, while it was important for human rights to be discussed through a range of thematic issues, the Council should avoid making those thematic issues too broad or numerous, something that might make its work less focused in the long term.

61. **Ms. Abdelmageed** (Sudan) said that the Council had adopted important resolutions on health, education, freedom of expression, the rights of refugees and displaced persons, transitional justice and the report of the United Nations Fact Finding Mission on the Gaza Conflict (A/HRC/12/48). The Council should be strengthened in order to pursue its mandate through dialogue, cooperation and technical assistance for national capacity-building, avoiding politicization and selectivity in its work. Her country would continue its dialogue with the Council, and was preparing to undergo the universal periodic review process in 2010.

62. **Ms. Basso** (France) said that her country had been a member of the Council since its inception and was committed to promoting its activities in a spirit of objectivity and equality. Special procedures mandate holders must be independent. The Council should have the capacity to address specific thematic issues and any human rights violations wherever they occurred. Her country remained committed to engaging with all partners in order to promote and protect human rights.

63. **Mr. Klepsch** (Germany) said that his country greatly valued the credibility and effectiveness of the Council and was satisfied with the work of the special procedures mandate holders. He called on States to improve cooperation with them instead of criticizing their compliance with their mandate.

64. **The Chairperson** said that the Committee had thus concluded its general discussion of agenda item 64.

The meeting rose at 5.15 p.m.

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Chairperson: Mr. Penke ..... (Latvia)

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The meeting was called to order at 10.05 a.m.

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

1. **Ms. Kang** Kyung-wha (Deputy High Commissioner for Human Rights) read out a statement by Mr. Sengupta, Chairperson-Rapporteur of the Working Group on the Right to Development, on the report of the Working Group on its tenth session. That statement referred to the Group's creation in 2004 of a high-level task force on the implementation of the right to development, the adoption in 2006 of a preliminary set of criteria for evaluation of global partnerships which could promote that right, with the aim of improving their effectiveness, and the establishment in 2007 and 2008, respectively, of a road map and a workplan for the task force.

2. The Working Group, at its tenth session, had made two main recommendations to the task force: that it should submit a new list of criteria along with corresponding operational sub-criteria for the elaboration of a set of guidelines in that area; and that the criteria and sub-criteria should address other aspects of the right to development beyond those enumerated for Millennium Development Goal 8.

3. In order to facilitate the implementation of those two essential recommendations, the Working Group had also recommended, inter alia, that the task force should draw on specialized expertise and the experience of countries in promoting the right to development; continue to study development partnerships in relation to technology transfer and debt relief; and pay due attention to other issues relevant to the right to development, including poverty, hunger, climate change and the global economic and financial crisis.

4. Lastly, the Human Rights Council had endorsed the recommendations of the Working Group in its resolution 12/23.

5. **Mr. Khane** (Secretary of the Committee), recalling that the President of the General Assembly had announced that the report on the work of the twelfth regular session of the Human Rights Council would be considered in plenary session, announced that the meeting planned for two days later had been cancelled and invited the Committee to complete its consideration of the current items by the afternoon of the next day.

6. **The Chairman** said that he took it that the Committee wished to adopt the proposed changes to its programme of work.

7. *It was so decided.*

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (A/64/18, A/64/271, A/64/295, A/64/309, A/64/487 and A/CONF.211/8)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (A/64/18 and A/64/295)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/64/271, A/64/309, A/64/487 and A/CONF.211/8)

Agenda item 68: Right of peoples to self-determination (A/64/311 and A/64/360)

8. **Ms. Kang** Kyung-wha (Deputy High Commissioner for Human Rights), outlining the content of the two reports she was submitting under agenda item 67 (b), said that the first, a report of the Secretary-General (A/64/309), contained information received from 9 Member States and 12 organizations both within and outside the United Nations system on the new measures undertaken towards implementation of the Durban Declaration and Programme of Action, including the Durban Review Conference of April 2009, and highlighted the role of the various United Nations mechanisms and bodies working on that implementation.

9. The second, the report of the Durban Review Conference (A/CONF.211/8), was procedural in nature. The Review Conference had made tangible and substantive progress in the international community's struggle against discrimination and had brought that struggle to the next level. Immediately following the Review Conference, the High Commissioner for Human Rights had established a cross-divisional task force on follow-up, which had proposed a programme against racism and intolerance. The General Assembly should grant the Office of the High Commissioner the

additional resources required to live up to the expectations created by the Review Conference and should endorse the report to give legal status to the outcome document and to ensure that its financial implications were duly considered.

10. Turning to the report of the Secretary-General (A/64/360) under agenda item 68, she drew attention to the conclusions and recommendations included in the report of the high-level fact-finding mission to Beit Hanoun (A/HRC/9/26) and to the follow-up action requested by the Human Rights Council. She also referred to the concluding observations formulated by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

11. **Mr. Muigai** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), submitting his interim report (A/64/271), briefly outlined the activities carried out over the past year. He referred to his visits to Germany and the United Arab Emirates, the various meetings in which he had participated and the thematic issues addressed. On the subject of racial discrimination, he said that he welcomed the recent developments within the United Nations on the question of discrimination based on work and descent. He commended the draft principles and guidelines to eliminate caste discrimination that had been presented in Geneva in September with the support of the Office of the High Commissioner for Human Rights and endorsed, inter alia, by the Government of Nepal, and called on States to rally around that document.

12. As for the situation of Roma, he had released a joint press statement with the Independent Expert on minority issues and reiterated his call for Governments to address the root causes of the problem and to tackle the violence affecting Roma people in Europe.

13. Turning to the issue of incitement to racial or religious hatred, he referred to his recent submission of the report on the manifestations of defamation of religions, and in particular on the serious implications of Islamophobia, on the enjoyment of all human rights by their followers (A/HRC/12/38) to the Human Rights Council. During the interactive dialogue with Member States, he had noted that the controversy over terminology relating to the concepts of "defamation of religions" and "incitement to racial or religious hatred" was distracting attention from real problems, and he had recommended reliance on existing human rights norms.

14. Referring briefly to the interrelated problems of racism and poverty, he reaffirmed the need to collect ethnically disaggregated data and, reiterating his recommendation, called on States to discuss how to achieve that goal rather than discussing whether to do so. In relation to genocide, he highlighted the importance of early warning systems and recommended that new problems be prevented by means of country visits, reports and letters with allegations of human rights violations.

15. Turning to his report on the implementation of General Assembly resolution 63/162 (A/64/295), which he had prepared on the basis of information provided by a number of States on the measures taken to combat racist and xenophobic practices, he emphasized the struggle against political extremism, including the extremism of neo-Nazi and skinhead groups. In that regard, he invited States to implement international human rights standards, in particular article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, but also noted that a legislative response alone was not sufficient to eliminate deep-rooted racist mentalities and recommended that it be supplemented by, inter alia, training for State agents and media professionals and the participation of all, including persons targeted by discrimination, in decision-making. He also encouraged States parties to the Convention to recognize the competence of the Committee on the Elimination of Racial Discrimination to examine individual communications.

16. In conclusion, he recommended that all States should acknowledge that racism existed in their society and should adopt a broad understanding of the concepts of racism, racial discrimination, xenophobia and related intolerance in order to take appropriate measures to fight its manifold manifestations.

17. **Mr. Rastam** (Malaysia), speaking on behalf of the States members of the Organization of the Islamic Conference (OIC), said that OIC member States attached great importance to the Special Rapporteur's mandate, which addressed one of the most serious human rights issues of the day. He welcomed the regular dialogue between OIC member States and the Special Rapporteur on the issue. Turning to the recent phenomenon of defamation of religions, which undermined the democratic and multicultural foundations of many societies, he said that the resolutions proposed by OIC on the subject and, in

some cases, adopted by the Human Rights Council and the General Assembly called for respect for all religions and beliefs. Recalling resolution 63/171, the General Assembly's most recent resolution on the subject, he regretted that the Special Rapporteur's report illustrated so poorly the correlation between defamation of religions and increasing incitement to hatred and intolerance, even though many examples could be found. Recalling that discrimination on religious grounds was generally associated with other human rights violations, he asked the Special Rapporteur what he thought about the work being done in that regard by the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination.

18. **Ms. Liu** Guiming (China) said that, while the Durban Review Conference was an important part of the international community's efforts to combat racism since 2001, follow-up to the Review Conference was even more important. She asked what could be done to ensure that States followed up on the outcome document of the Review Conference and translated their commitments into action. Noting the interest taken by the Special Rapporteur in such issues as racial and religious hatred, Islamophobia and defamation of religions since his previous report, she invited him to share his conclusions and asked him to recommend ways of preventing violence on religious grounds.

19. **Mr. Mamdouhi** (Islamic Republic of Iran) welcomed the work being done in Geneva by the Ad Hoc Committee on Complementary Standards. Such work should complement the measures adopted by the international community at the Durban Review Conference. It was important to preserve the integrity of the Special Rapporteur's mandate, as adopted by the General Assembly and the Human Rights Council, throughout the entire process of preparing his reports for the various United Nations bodies. He asked what steps could be taken at the national and international levels to prevent the momentum generated by the Review Conference from dying out and what States could do to honour their commitments. Lastly, it must be ensured that the Ad Hoc Committee's discussions remained limited to racism-related issues and to the objectives of the Durban Declaration and Programme of Action and of the outcome document of the Review Conference. In that regard, he asked the Special Rapporteur what he intended to do should the Ad Hoc Committee stray outside its mandate.

20. **Mr. Muita** (Kenya) said that freedom of expression could be an obstacle when trying to ban extremist political parties, movements and groups. He regretted the failure by certain States to take action to address the problem. He asked what could be done to tackle such groups while respecting their freedom of expression and how the international community could force those responsible to take responsibility for their actions should the phenomenon spread.

21. **Ms. Mårtensson** (Sweden), speaking on behalf of the European Union, said that her delegation was pleased to hear that the Special Rapporteur intended to place greater emphasis on identifying early warning indicators of violence.

22. In view of the Special Rapporteur's comments that respect for human rights standards was the best defence against manifestations of racism and that States should not only adopt appropriate legislative measures but also cooperate with civil society, she wished to know about best practices on the ground. Furthermore, in view of his insistence that the various aspects of human rights were interdependent, she wished to know whether he intended to participate in other joint meetings similar to the one in which he had taken part on the sidelines of the Durban Review Conference with the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

23. **Mr. Attiya** (Egypt) said that the tendency by a number of politicians and media to ridicule certain religious beliefs under the pretext of the right to freedom of expression only increased prejudice against certain religious communities. The Movement of Non-Aligned Countries had asked the Special Rapporteur, at their meeting of 30 September, to include in his future reports information about any jurisprudence that punished manifestations of racial discrimination and threats against places of worship. He wished to know whether it was possible to be the victim of double discrimination, in other words, discrimination on racial grounds and discrimination on religious or other grounds, and whether incitement to hatred was bound to manifest itself in immediate violence or whether it could also manifest itself over the long term.

24. **Ms. Pérez Álvarez** (Cuba) said that she was concerned about acts of xenophobia against immigrants

in developed countries. Such acts reinforced racial discrimination in those countries and encouraged the demonization of Islam, particularly by the media. She mentioned, in that connection, the terrorism and immigration laws adopted by certain developed countries. She regretted the fact that a group of countries had withdrawn from the Durban Review Conference and wished to know more about the obstacles that stood in the way of combating racial hatred against immigrants and implementing the recommendations of the Review Conference.

25. **The Reverend Bené** (Observer for the Holy See) said that racial discrimination was nothing more than a lack of respect for the individual. He therefore welcomed the Special Rapporteur's emphasis on human rights. Education and awareness-raising must continue to be pursued with a view to changing attitudes. Respect for the individual would ultimately lead to respect for beliefs and religions.

26. **Mr. Vimal** (India) said that the concept of "descent" did not include that of "caste". His Government continued to reject general recommendation No. 29 concerning discrimination on the grounds of descent because it lacked intellectual rigour and went against the Vienna Convention on the Law of Treaties. Moreover, his delegation found the reference extremely shocking given the history of India, particularly Gandhi's struggle against racial discrimination in South Africa.

27. **Mr. Tarar** (Pakistan) wished to know how the increasingly common phenomena of Islamophobia and defamation of religions featured among the early warning indicators of violence mentioned by the Special Rapporteur and whether such phenomena were social in nature or simply the manifestation of freedom of expression. He also wished to know how the recommendations of the Durban Review Conference could be applied to new forms of intolerance.

28. **Mr. Muigai** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), responding to the question about the elaboration of complementary standards, said that, while the issue was not within his mandate, he wished to see a gradual evolution of law based on internationally recognized legal principles.

29. With regard to defamation of religions, he was convinced that the spread of ideas targeting certain religions was a form of intolerance and that the international community, as a community of human rights, must therefore intervene. However, consideration must be given to existing international standards when addressing the issue. If complementary standards were needed, existing rules must be respected.

30. With regard to ways of implementing the recommendations of the Durban Review Conference, the documents themselves were very clear. He should, however, point out that, in most of the countries he had visited, people were unaware, or even denied, that discriminatory practices existed. If countries wished to combat racism and xenophobia effectively, they should be realistic about their situation and tackle the problem from the bottom up, through education, communication and dialogue.

31. Extremist political parties were on the rise, particularly in Europe, where they were tolerated under the pretext of freedom of expression. Such political parties posed a serious threat to democracy and peace and, since most of their members were young people, were likely to endure.

32. In his view, there was no contradiction between freedom of expression and freedom of religion. Both were fundamental rights that were indispensable for the full exercise of democracy in free societies. A framework was needed where freedom of expression would be exercised in such a way that took account of freedom of religion and the right of individuals to enjoy such freedom provided it did not harm anyone else. He recommended that Member States refer to the outcome document of the Conference held in Geneva in 2008 under the auspices of the Office of the United Nations High Commissioner for Human Rights.

33. In his view, it was possible to be subject to discrimination on various fronts and different types of discrimination could be mutually reinforcing.

34. With regard to the question of caste, he said that, for human rights to be more than an empty shell, all human beings must be considered equal.

35. Lastly, he welcomed the cooperation extended to him during his visit to the United Arab Emirates and invited other Member States to follow that country's example.

36. **Ms. Shameem** (Chairperson-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of

the right of peoples to self-determination), introducing the Working Group's fourth report, said that the Human Rights Council had requested the Working Group to consult a wide range of stakeholders with a view to preparing a draft convention on the regulation of private military and security companies. The Working Group had taken account of the basic principles it had established as well as recent human rights treaties. It had circulated a preliminary draft to some 250 experts, academics and non-governmental organizations (NGOs) worldwide for comments. It expected to circulate a reworked draft to Member States in 2010.

37. The draft convention prepared by the Working Group identified inherently governmental State functions that should not be outsourced to non-State entities and invited States to establish a system for registering, licensing and regulating the activities of private military and security companies and their personnel and to force the latter to take responsibility for their actions. The draft therefore provided mechanisms for ensuring that the activities of such companies were subject to national and international oversight and monitoring and that allegations of abuses and violations of human rights and international humanitarian law were investigated. Such companies were concentrated in a handful of countries; it would be wise to involve such countries in the preparation of the draft convention. Several countries, including the United States and the United Kingdom, had already taken steps in that regard.

38. During its visit to the United States in July 2009, the Working Group had noted that the United States Government had taken steps to ensure that the Baghdad tragedy of 2007 did not happen again and had adopted legislation and regulations aimed at strengthening oversight and accountability of private military and security companies. The Working Group welcomed those measures. The Working Group had presented the Government with a list of preliminary recommendations and had stressed the need to ensure that human rights violations committed by such companies or by their personnel did not go unpunished.

39. During its visit to Afghanistan in April 2009, the Working Group had commended the Government of Afghanistan for enacting a specific regulation on national and international private security companies operating in the country. The Government must now ensure that the regulation was implemented fully. In Afghanistan, the Working Group had met with representatives of a number of local and international NGOs, all of whom had told him that, rather than generating a feeling of security for the Afghan population, the large presence of armed private guards created a climate of fear and insecurity.

40. The United Kingdom had launched a nationwide consultation on a Government proposal to introduce a package of measures designed to improve standards of behaviour of military firms and private security companies in that country, based on both self-regulation and the promotion of international norms. In addition, the Government would cooperate by building on the Montreux Document on Private Military and Security Companies and by working to set accepted international standards for the companies concerned. It would also support the establishment of an impartial and transparent complaint mechanism.

41. The Working Group felt that the recent consultation was a step in the right direction, but that self-regulation was not sufficient and that it would be necessary to supplement it with the establishment of an international legal framework and national legislative measures.

42. With regard to the issue of mercenaries, the Working Group verified the information that it received on mercenaries operating as free agents. Although the phenomenon was less common than it had been in the 1980s and 1990s, it did still exist and must be taken into account. The Working Group strongly recommended that States which had not yet done so should ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries as soon as possible.

43. The Working Group had recently convened its third regional consultation on traditional and new forms of mercenary activities and on the activities of private military and security companies and their effects on the enjoyment of human rights in Bangkok with the participation of 15 countries from the region. The purpose had been to get an idea of the local situation and to consider the fundamental question of the role of the State as holder of the monopoly on the legitimate use of force. The last two consultations should take place in 2010.

44. The Working Group believed that Member States should engage in efforts parallel to those of the Working Group to establish higher standards and set up human rights protection mechanisms. It urged States to

respect their obligations under international human rights law.

45. **Ms. Pérez Alvarez** (Cuba) said that she was gratified that the Working Group had continued the work begun by the previous Rapporteur and reaffirmed the importance of strengthening the legal framework related to mercenaries. All States should take the necessary measures to pass legislation in that area. Cuba condemned those countries which had concluded agreements granting legal immunity to private military and security companies. There were certain functions which were the exclusive domain of the State and should not be outsourced, such as direct participation in hostilities and handling prisoners of war or terrorists. To Cuba, there was a close connection between terrorism and mercenary activity, and it would be advisable for Member States to make provisions for transparent legal mechanisms, including the extradition of the guilty. In that regard, the Cuban delegation wished to know if the Working Group had information on the Cuban terrorist who was at large in the United States and whose actions, including the destruction of a Cuban airliner in mid-flight, constituted mercenary activities.

46. **Mr. Vigny** (Switzerland) also recommended that private military and security companies should develop a code of conduct appropriate to their sector. He thanked the Chairperson-Rapporteur for her active participation in the conference held at Nyon, Switzerland and encouraged her to continue her cooperation with his country. He asked how the Working Group intended to promote the broadest possible acceptance of the draft international convention on private military and security companies and what role those entities could play in efforts to avoid outsourcing State functions.

47. **Ms. Shameem** (Chairperson-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination), responding to the representative of Cuba, said that she had recently made an official visit to the United States and awaited a reply from its Government regarding follow-up to the Carriles affair. In addition, the elaboration of a draft convention would follow the process laid down in the relevant resolution of the Human Rights Council, and would then be circulated to Member States who could make comments so that changes could be made and they could decide about further steps. She hoped that the draft would be ready in 2010. The consultations with private military and security companies in the United States and in the United Kingdom had been very constructive. The draft convention would have to define which basic functions of the State could be entrusted to such companies without violating international law. It was a matter of knowing who must assume responsibility for human rights violations committed by private entities acting in conflict zones on behalf of a State, the extent to which States could control the activities which they outsourced and what dangers total privatization of war could pose if States did not exercise sufficient control over the activities which they entrusted to those entities.

48. **Mr. Ahmed** (Sudan), speaking on behalf of the Group of 77 and China, said that the Group reaffirmed that the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action were the fundamental legal framework for the effective elimination of racism, racial discrimination, xenophobia and related intolerance. Slavery and the slave trade, especially the transatlantic slave trade, apartheid, colonialism and genocide must never be forgotten and, in that regard, the measures taken to honour the memory of victims were welcomed.

49. The Group welcomed the progress achieved at the national, regional and international levels in conformity with the obligations under the Durban documents, and General Assembly resolution 63/242 was recalled in that regard. However, the erosion of liberties since the tragedy of 11 September 2001, and in particular, the increase in religious intolerance, were cause for concern. It noted the measures adopted by Member States, the United Nations system and the international community as a whole to promote tolerance and respect for cultural and religious diversity.

50. The Group welcomed the adoption by consensus of the outcome document of the Durban Review Conference, which had allowed the international community to reaffirm its will to combat racism and gave renewed impetus to the realization of the objectives contained in the Durban Declaration and Programme of Action. It emphasized that each State must uphold the commitments set forth in the outcome document and regretted the fact that some of them had chosen not to attend the Conference.

51. The Group recognized that the effectiveness of regional and international mechanisms to combat racism, racial discrimination, xenophobia and related intolerance must be strengthened in order to enhance the synergy, coordination, coherence and complementarity of the initiatives taken and urged the United Nations system and especially the Department of Public Information to enhance the visibility of the Durban Declaration and Programme of Action, as well as their follow-up mechanisms.

52. **Mr. Bart** (Saint Kitts and Nevis), speaking on behalf of the States members of the Caribbean Community (CARICOM), said that the phenomenon of racism and racial discrimination particularly affected the people of the Caribbean, who were descended from slaves. CARICOM was gratified by the annual observance of the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade on 25 March which provided an opportunity to reflect on the magnitude of the phenomenon in history and to stress the need to continue joint action throughout the world to eradicate that scourge. He welcomed the adoption by the General Assembly of a resolution on the initiative to erect a permanent memorial to ensure that that crime against humanity would never be forgotten or repeated.

53. CARICOM expressed its appreciation to the United Nations Educational, Scientific and Cultural Organization (UNESCO) for its commemoration of the International Day for the Remembrance of the Slave Trade and of its Abolition and the Slave Route Project, as well as for its initiative aimed at the restitution of cultural property to countries of origin. Its work was an example of an approach which filled the knowledge gaps about those matters, as the Secretary-General had stated. CARICOM took note of the work done by the Committee on the Elimination of Racial Discrimination, which had adopted recommendations concerning nine periodic reports of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, and also took note of its activities related to early warning and urgent action. He expressed appreciation to the United Nations High Commissioner for Human Rights for coordinating the annual observance of the International Day for the Elimination of Racial Discrimination, on 21 March, and for organizing a high-level panel on the theme, "United against Racism: Dignity and Justice for All", on 19 March. The efforts of the Office of the High Commissioner to prepare the Durban Review Conference, through the organization of numerous events which had allowed non-governmental organizations and Governments to consider a broad range of issues, was also appreciated.

54. CARICOM commended the important work being done by the Human Rights Council and noted the various resolutions it had adopted at its tenth session. It welcomed the plan of action adopted by the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the Convention. It also underlined the critical mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and thanked him for his efforts in a wide range of areas, noting his participation in a conference on "Human rights in culturally diverse societies: challenges and perspectives" organized by the Council of Europe. It concurred with the Special Rapporteur that there were links between poverty and race or ethnic origin, that the vulnerability of racial or ethnic minorities generally had historical causes and that systems based on slavery, segregation and apartheid had created structural imbalances that remained to the present day. It further noted that the Special Rapporteur had drawn attention to the fact that the current economic crisis was leading to ethnic and racial tensions that had an impact on migrants.

55. CARICOM agreed with the Secretary-General that the outcome document of the Durban Review Conference created further impetus for the implementation of the Durban Declaration and Programme of Action, represented a turning point in the way the human rights system would approach the issues and would serve as a model for analysing the issues within the mandate of the Special Rapporteur. It reiterated its support for the efforts of the Working Group of experts on people of African descent and commended it, in particular, for its work on the situation of children of African descent. On the regional level, CARICOM took note of the ongoing negotiations in the Organization of American States on a draft inter-American convention against racism and all forms of discrimination, which focused on the protection of individual rights, the duties of States and the development of mechanisms for protection.

56. In conclusion, CARICOM pointed out that the elimination of racism, racial discrimination, xenophobia and related intolerance was vital to a

civilized global society, particularly given the many challenges it faced.

57. **Mr. Mahiga** (United Republic of Tanzania), speaking on behalf of the Southern African Development Community (SADC), said that its member States, which had experienced slavery, the slave trade and colonialism, understood that they must unite their efforts to end racism and racial discrimination. It was a source of pride that the Durban Declaration and Programme of Action had been adopted in the SADC member State that had experienced the apartheid regime.

58. The Community believed that racism and discrimination were contrary to the purposes and principles of the United Nations Charter and the Universal Declaration of Human Rights and endorsed to the statement made by the High Commissioner for Human Rights on the International Day for the Elimination of Racial Discrimination. All SADC member States had prohibited racism under their constitutions and had acceded to international instruments to combat racism in all its forms as well as to the African Charter on Human and Peoples' Rights. The Community agreed with the Special Rapporteur that legislative measures played an important role but that they must be coupled with education, intercultural dialogue and social activism in order to create a society based on pluralism, tolerance and respect for others. It acknowledged the initiatives taken by the United Nations to that end, including the Alliance of Civilizations and the Tripartite Forum on Interfaith Cooperation for Peace.

59. Recalling that poverty, political marginalization, exclusion and human rights violations exacerbated racism and intolerance, the Community emphasized that action to combat those scourges would lead to a more equitable distribution of resources in order to guarantee social justice and equal opportunities, particularly in the context of multiple current crises. It shared the Special Rapporteur's view that such action should focus on the links between social class and race or ethnicity and encouraged all Governments to take action to redress the structural imbalances caused by slavery, segregation and colonialism.

60. The Community welcomed the holding of the Durban Review Conference, which had reaffirmed the fundamental importance of the Durban Declaration and Programme of Action, had strengthened States' resolve to implement those instruments, had called attention to certain current problems such as incitement to religious hatred, the need to protect human rights when combating terrorism and possible limitations to the right of freedom of speech, and had also recommended that the intergovernmental mechanism within the framework of the Human Rights Council should strengthen the anti-racism machinery. It also welcomed the adoption by consensus of the outcome document of the Durban Review Conference and invited States that had not participated in the Conference to express their support for that document.

61. The Community commended the role of the High Commissioner for Human Rights in the process and welcomed her proposal to mainstream the Durban documents in the United Nations system, while pointing out that resources were required for that purpose. It requested her to support Member States in their efforts in that area. It also called upon all parties to renew their commitment to multilateralism and to reassert the central role of the United Nations in addressing racism, racial discrimination, xenophobia and related intolerance. Lastly, it reiterated its commitment in that regard and said that it was ready to work with the international community to implement fully the Durban Declaration and Programme of Action as well as the outcome document of the Durban Review Conference.

62. **Ms. Mårtensson** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Azerbaijan, Georgia, Liechtenstein and the Republic of Moldova, said that, despite the magnitude of discrimination in all its forms, it was possible to combat it without violating fundamental freedoms, such as freedom of speech, by promoting dialogue and the free exchange of ideas, raising public awareness of human rights violations and promoting media independence. While incitement to violence or hatred against individuals or groups of individuals was reprehensible, freedom of speech, one of the foundations of a tolerant and democratic society, must never be suppressed.

63. The European Union had adopted many legislative and political measures to combat racism, requiring member States to introduce laws prohibiting

racial discrimination in everyday life, including in employment, education, health care and housing. The Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) and many European non-governmental organizations were engaged in monitoring, reporting, awareness-raising and research activities and provided support for legal reform, while the European Union Agency for Fundamental Rights supported, through data collection and analysis, the implementation of European legislation to combat racism and discrimination. The European Union would not relent and intended to continue taking strong action.

64. The European Union lamented that the International Convention on the Elimination of All Forms of Racial Discrimination, which had entered into force 40 years earlier, was not always being fully implemented in practice, that some countries still refused to ratify it, formulating reservations that were contrary to its purpose, and that others were not fulfilling their obligation to submit reports to the Committee on the Elimination of Racial Discrimination or to implement the monitoring, early warning and urgent action procedures established by the Committee. The European Union called for the universal ratification of the Convention and urged all States to strengthen their cooperation with the Committee.

65. The European Union welcomed the fact that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had cooperated with the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to anchor their work in the appropriate international legal context.

66. The European Union had participated actively in the preparations for the Durban Review Conference, whose outcome should serve as the basis for the fight against racial discrimination, and planned to continue contributing to the work of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action to achieve concrete results on the ground.

67. The European Union had yet to be convinced of the need to adopt complementary legal standards. If, however, such standards proved necessary, they must be based on specific elements and correspond to the recommendations of the Committee on the Elimination of Racial Discrimination. The work of the Ad Hoc Committee on the elaboration of complementary standards must be guided by a spirit of consensus and must not go against existing international norms. The European Union felt that the international community should concern itself above all with the current lack of implementation of the standards contained in the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international instruments, which explained why acts of racism, racial discrimination and xenophobia continued to take place and were not investigated and punished.

68. **Ms. Viktorova** (Russian Federation) said that she regretted that, six months after the adoption of the Durban Review Conference outcome document which expressed the will of the international community to act at all levels to combat racism, there were no tangible results.

69. Given the obligation to remember the tens of millions of people who had fallen victim to racist ideologies during World War II, the world could not allow historical episodes to be overlooked in silence or rewritten, racist ideologies condemned by international law to be resurrected and past events reinterpreted to serve short-term political interests and encourage hate and racial and religious discrimination.

70. Neo-Nazi organizations were spreading in Europe, recruiting young people and committing racist crimes which were presented as manifestations of the right to freedom of expression and were considered to be nothing more than violations of public order. Given those contemporary forms of racism, it was not enough simply to legislate. Children and young people must also be educated and trained, and they must study history. States should, objectively and without double standards, evaluate the current situation in the fight against racial discrimination.

71. **Mr. Tarar** (Pakistan) said that in keeping with its commitment against racism, his country had participated actively in the elaboration of the Durban Review Conference outcome document, which expressed the collective will of States to combat racism and denounced new forms of discrimination and intolerance, particularly profiling and negative religious stereotypes.

72. Pakistan noted with concern that racist and xenophobic behaviours motivated by a rejection of

diversity had spread and gained new legitimacy, and that in the name of identity and national preferences, migrants, foreigners and minorities continued to be denied their most fundamental rights.

73. Pakistan welcomed efforts to modify standards and legislation to strengthen protections against racism, but regretted that they were not being transformed into concrete action. The elaboration of a stricter international legal regime was necessary, and the work of the Ad Hoc Committee on the elaboration of complementary standards would be especially useful in that regard.

74. Pakistan regretted that practitioners of one of the worst forms of racism, the incitement to racial and religious hatred through the denigration of religions and negative stereotypes of religions or races, could take refuge behind freedom of expression and opinion to attack with impunity the rights of persons professing a different religion, disregarding accepted international standards.

75. **Ms. Shanidze** (Georgia) said that the provisions of international law must be enforced and respected by all States, regardless of their size. Those provisions existed in order to protect the legitimate interests of those who had been forced from their homes owing to conflicts.

76. In response to Georgia's request to protect its citizens against acts of discriminatory violence committed by the Russian armed forces operating jointly with separatist militias and foreign mercenaries, the International Court of Justice had supported provisional measures which were binding.

77. While recognizing that the International Court of Justice was exclusively responsible for judging whether those provisional measures had been enforced, her country had submitted factual evidence of the total failure to observe the Court's ruling. Forced displacements of ethnic Georgians from Abkhazia had been confirmed in the report of the Secretary-General (A/63/950), and the report of the European Union noted ethnic cleansing which had taken place in South Ossetia during and after the 2008 conflict. She called for a strengthening of the international legal order through the International Court of Justice and the Third Committee.

78. **Ms. Liu** Guiming (China) said that, given the guidelines set and the gaps which had been identified in the Durban Review Conference outcome document, the effective implementation of the Durban Declaration and Programme of Action required enforcing a policy of zero tolerance for all forms of racial discrimination at the national and international levels, strengthening international cooperation, preventing freedom of expression from serving as a pretext for discrimination and enhancing coordination and communication between the various Durban Review Conference follow-up mechanisms, the relevant special procedures mandate holders of the Human Rights Council and the Committee on the Elimination of Racial Discrimination.

79. Resolutely engaged in the fight against racism, China was committed to enforcing the Durban Declaration and Programme of Action and had participated actively in the elaboration of the Durban Review Conference outcome document. The Government of China had disseminated the Durban Declaration broadly throughout the country and was committed to raising public awareness of the fight against racism, racial discrimination and xenophobia. China had incorporated the provisions of the Durban Declaration into its national development plans and had duly submitted to the Committee on the Elimination of Racial Discrimination a report laying out policies and measures adopted to combat racism.

80. China affirmed that the right to self-determination was an important and inalienable right, and that all peoples living under foreign occupation had the right to fight for their sovereignty, independence and dignity. Therefore, it supported the Palestinian people in their tireless struggle for self-determination and called upon the international community to redouble its efforts to find a comprehensive and just settlement of the Palestinian question and establish sustainable peace and stability in the Middle East.

81. **Ms. Pérez Álvarez** (Cuba) said that the world owed a debt to the millions of victims of racism. Regrettably, some States had not maintained solidarity with the collective action during the Durban Review Conference, thereby undermining the fight against intolerance and racism, which was the very substance of the Durban Declaration and Programme of Action. However, it was hoped that they would not refuse to respect the objectives laid out in those documents.

82. All Cubans enjoyed the same rights, and that subject remained a priority for the Government of Cuba. Cuba had submitted a full report to the

Committee on the Elimination of Racial Discrimination pursuant to its obligations.

83. Increasingly harsh discriminatory measures and restrictive policies were a cause for concern, as shown by promulgation of new laws and regulations on immigration that encouraged racism, discrimination and xenophobia.

84. Regrettably, the Internet and new information technologies, which were powerful weapons against racism, were too often used to spread racist ideologies and for incitement to hatred.

85. She drew attention to the deplorable conditions of detention of the prisoners at Guantanamo, which were comparable to those of concentration camps.

86. Cuba called for the immediate withdrawal of Israeli forces from all the occupied Palestinian territories, including the Syrian Golan, and supported the right of Puerto Rico to self-determination.

87. Cuba also requested that such terrorists as Mr. Carriles be duly prosecuted and that the five Cuban political prisoners who were heroes of the fight against terrorism be released from American prisons.

88. **Mr. Sammis** (United States of America) said that his country, which was founded on diversity and had experienced the original sin of slavery, was aware of the misdeeds of intolerance and firmly committed to the fight again t racism. Recognizing that the struggle was far from over, the Government of the United States had continued to follow issues of race, ethnicity and national origin closely. President Obama had just signed a law against hate crimes, strengthening the ability of the Department of Justice and local authorities to deter acts of violence which targeted people of a particular race or ethnic group, women and followers of a particular religion and to prosecute perpetrators of such crimes.

89. He affirmed his country's will to participate in building a more peaceful and prosperous world and to cooperate with other countries and the United Nations to combat racial discrimination and negative stereotypes. During the June 2009 session of the Human Rights Council, the United States had hosted a side event with representatives of Governments and civil society to examine the gaps and progress made in combating racism. The United States had also sent a delegation to the Durban Review Conference to participate in the negotiations on the draft outcome document. Although they had been unable to agree to support the outcome document, judging the changes introduced to be insufficient, their determination to combat racism alongside other countries remained unchanged.

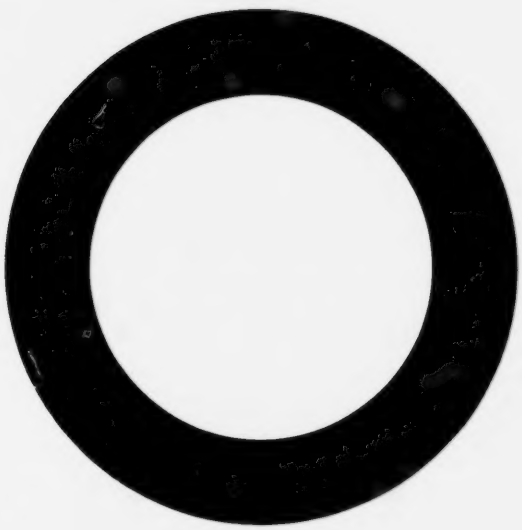
90. **Mr. Attiya** (Egypt) said that the new extremist, racist and xenophobic movements were often to be found in well-established democracies for which respect for human rights was a political and social priority. Efforts to spread a spirit of tolerance and peaceful coexistence and to give communities the resources to adapt to cultural diversity in the current era of globalization must be redoubled.

91. Unfortunately, some parties seemed to have forgotten that freedom of expression and opinion went hand in hand with the spirit of dialogue, tolerance and understanding. Equally alarming was the fact that some countries seemed to confound the fight against terrorism with discrimination against a race or religion, which could jeopardize implementation of the United Nations Global Counter-Terrorism Strategy. States must work together to address gaps in or an absence of legal instruments prohibiting incitement to hatred and discrimination and preventing impunity.

92. In that regard, Egypt attached great importance to the work currently being carried out by the Human Rights Council to elaborate complementary standards, especially as they would contribute to rebuilding confidence between North and South on questions related to discrimination. States must, for their part, uphold the commitments they had undertaken in the context of the Durban Declaration and Programme of Action to allow everyone, without distinction, to take pride in their culture and their faith.

93. States must strengthen their cooperation to promote dialogue and mutual understanding more effectively through educational activities undertaken in partnership with non-governmental organizations, the private sector and national associations. Protection of freedom of opinion was crucial, but as part of such protection, efforts must be made to prevent exacerbation of racist sentiments and hatred, and to encourage the media to raise public awareness of intolerance and conflict.

The meeting rose at 1.10 p.m.



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Chairman: Mr. Penke ..... (Latvia)

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The meeting was called to order at 3.05 p.m.

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (A/64/18 and A/64/295) (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/64/271, A/64/309, A/64/487 and A/CONF.211/8) (*continued*)

Agenda item 68: Right of peoples to self-determination (A/64/311 and A/64/360) (*continued*)

1. **Ms. Shawish** (Libyan Arab Jamahiriya) said that despite international efforts, new forms of racism continued to emerge. Her delegation strongly condemned the defamation of religions and the derogatory stereotyping and stigmatization of persons based on their religion or belief under the pretext of freedom of expression, noting the potential of such practices to incite hatred of the other, and urged States to implement paragraph 150 of the Durban Declaration and Programme of Action.

2. There was no doubt that poverty, underdevelopment, economic marginalization and blockades were linked to racism and racial discrimination. Economic disparity helped perpetuate racist stereotypes, which, in turn, generated more poverty. The heinous practice of starving and blockading the entire people of Gaza constituted a contemporary manifestation of racism.

3. The Libyan Arab Jamahiriya supported the right of peoples to self-determination and control over their own resources, in accordance with international human rights instruments and international humanitarian law. In that context, it was deeply concerned at the continued suffering of the Palestinian people living in the Occupied Territories, despite the numerous United Nations resolutions recognizing their right to self-determination and to live with dignity in a viable, independent and sovereign State.

4. As a State party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, her Government considered that the use of private security companies belonged in that category. It planned to participate in the drafting of a new convention on the organization of private security companies in 2010.

5. **Mr. Yahiaoui** (Algeria) said that the outcome document of the 2009 Durban Review Conference would allow the international community to renew its commitment to combat all forms of racism and discrimination. Traditional racism had taken new and insidious forms that targeted culture and religion, concealing its true nature. The fight against terrorism and illegal immigration were often invoked to justify racist violence and discriminatory practices. In that connection, the rise in incitement to religious hatred and Islamophobia was regrettable. Curiously, freedom of the press, which should promote respect for and acceptance of the other, was cited to explain States' failure to respond to systematic denigration of religions and beliefs. Moreover, denying peoples living under the yoke of foreign occupation the right to self-determination was a form of racism.

6. The exercise of the right to self-determination was a prerequisite for full enjoyment of all other rights recognized in international instruments. Conversely, the violation of that right constituted a violation of all human rights. At its recent summit, the Movement of Non-Aligned Countries had reaffirmed the fundamental and inalienable nature of the right to self-determination by peoples living in non-self-governing territories and in territories under foreign occupation. It was unfortunate that some peoples remained unable to exercise that right.

7. **Mr. Sial** (Pakistan) said that most of the Member States of the United Nations had gained their independence through universal recognition of the right to self-determination, a right which continued to engender hope among millions of vulnerable people. Self-determination could not be freely exercised under foreign occupation: the forcible occupation of the territory of a people whose right to self-determination had been recognized was a violation of international law and the Charter of the United Nations. However, legitimate struggles for self-determination could not be equated with terrorism. Pakistan had gained its independence by exercising the right to self-determination and therefore extended support to all other peoples entitled to exercise that right, including the peoples of Jammu and Kashmir and of Palestine.

8. Security Council resolution 47 (1948) had promised a free and impartial plebiscite in Indian-

occupied Jammu and Kashmir, to be conducted under the auspices of the United Nations. Pakistan was committed to pursuing the Composite Dialogue process with India to resolve all outstanding issues and to finding a peaceful resolution acceptable to all sides. Continuing inaction by India had thwarted the aspirations of the people of Jammu and Kashmir, who had been subjected to widespread human rights violations. A negotiated settlement should be found with the full involvement of the Kashmiri people.

9. **Mr. Attiya** (Egypt) said the right to self-determination was an acknowledgement of the entitlement of peoples under foreign occupation to resist occupation, as sacred as the right to self-defence against those who illegally imposed their economic or military power, disregarding their commitments to human rights and their claims to be proponents of democracy and freedoms. The situation of the Palestinian people was a stark example. Israel claimed to be the only democracy in the Middle East, yet it continued to occupy others' lands by force and commit human rights violations, in clear disregard for the principles of democracy.

10. The Human Rights Council had mandated the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to draft principles, guidelines and standards to regulate the activities of private security companies, in view of concern about their role in exacerbating conflicts and undermining international efforts to curb the illicit trade in small arms and light weapons, which was in turn linked to illegal exploitation of natural resources. Egypt welcomed the recommendations contained in the report of the Working Group (A/64/311). It was important to enhance the capacities of States emerging from conflict to develop their security sectors. Egypt looked forward to universal adherence to the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

11. Human rights could be respected only if selectivity, politicization and double standards were left aside. The Human Rights Council could address the human rights situation in the Occupied Palestinian Territory only if there was a determined effort to ensure Israel's adherence to international obligations and its full cooperation with the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967 and the Human Rights Council's fact-finding missions.

12. Having considered the Secretary-General's report on the universal realization of the right of peoples to self-determination (A/64/360), Egypt looked forward to the inclusion in the subsequent report of specific recommendations to facilitate the role of the Human Rights Council in addressing Israel's human rights violations in the Occupied Palestinian Territory. The reports of Judge Goldstone and the Special Rapporteur had identified gross human rights violations in Gaza that amounted to war crimes and were counter to Israel's commitments as the occupying Power.

13. The protracted occupation had multiplied the negative impacts on the population, including the ongoing blockades and economic stranglehold, the obstruction of access to humanitarian assistance, demolition of houses and the Judaization of East Jerusalem. The continuing settlement expansion, land confiscation, crossing closures and the separation Wall were all detrimental to the contiguity of Palestinian lands and to the confidence-building measures. They were compounded by recurring Israeli violations of its commitments under the International Covenant for Civil and Political Rights, particularly in relation to freedom of expression, freedom of assembly, the right to food and the right to mental and physical health.

14. The United Nations should strengthen its role in the Quartet and the confidence-building efforts to ensure respect for the human rights of the Palestinian people and other Arab peoples suffering from occupation until peace was achieved on the basis of the terms of reference of the Madrid peace process. A negotiated peace should include a full withdrawal from all Arab territories occupied since 1967 and enjoyment of the right to self-determination and all other human rights. As the Second International Decade for the Elimination of Colonialism was drawing to a close in 2010, the United Nations should reaffirm its commitment to implementing the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples.

15. **Ms. Rasheed** (Observer for Palestine) said that for 42 years, the Palestinian people had endured constant threats to their national existence and systematic violations of their human rights. Israel's occupation had denied them their most basic rights and freedoms, including the rights to self-determination,

life, liberty and security of persons, movement, livelihood, education, property and development. There were illegal settlements, closures, checkpoints, home demolitions, land confiscation, destruction of civilian infrastructure and wanton killings by illegal settlers and occupying forces. The vicious siege of the Gaza Strip and the 1.4 million Palestinians living there had continued for over two years.

16. Israel's continuing strangulation of the Palestinian people and entrenchment of its illegal occupation had been the most obvious manifestation of the denial of the right to self-determination. In complete defiance of the international community and international law, United Nations resolutions and the International Court of Justice, Israel was carrying out a massive colonization campaign in the Occupied Palestinian Territory, including East Jerusalem, illegally constructing and expanding settlements and the Wall, which was intended to fortify and protect the settlements. That action was especially intense in and around occupied East Jerusalem, and Israel was actively obstructing Palestinian access to the city and physically separating it from the rest of the Territory.

17. According to the advisory opinion of the International Court of Justice, construction of the Wall and other measures were a breach of Israel's obligation to respect the Palestinian people's right to self-determination. The illegal practices undermined the territorial unity and integrity of the Occupied Palestinian Territory, in which the Palestinian people were striving to establish their independent State. The international community should continue to demand Israel's compliance with its obligations under international law. Without a freeze on settlements and their eventual dismantlement, there would be no Palestinian State to negotiate and no two-State solution. An immediate and comprehensive settlement freeze had been a consistent requirement for the resumption of negotiations.

18. Year after year her delegation drew attention to the continuing denial and violation of the Palestinian people's right to self-determination. Peace could never be achieved by subjugating an entire people and denying their inalienable rights. The Palestinian people, despite their suffering, would never give in to oppression, subjugation and injustice. They would continue to aspire to freedom and independence until the Israeli occupation ended and they could live a normal, free life in the State of Palestine, with East Jerusalem as its capital.

19. **Ms. Sabja Daza** (Plurinational State of Bolivia) said that the eradication and elimination of racism and discrimination was a pillar of Bolivian domestic policy. Article 14 of the Constitution prohibited any form of discrimination, and article 255 referred to the defence and promotion of human, economic, social, cultural and environmental rights and the rejection of all forms of racism and discrimination. In Bolivia, groups objecting to the Government's policies, which benefited the majority, had caused acts of violence against indigenous and intercultural communities. Nevertheless, a bill to combat discrimination, xenophobia and related forms of intolerance was currently before the National Congress. Furthermore, the Ministry of Cultures, with its Vice-Ministries for decolonization and intercultural issues, worked to eliminate all forms of discrimination and racism and promote national integration.

20. Her Government's national development plan for the period 2006-2010 offered a comprehensive and diversified model based on decolonization and an intercultural society, which were also the basis for the national plan of action on human rights. Governmental and civil society organizations had reached an agreement to implement arrangements for combating racism, racial discrimination, xenophobia and other forms of intolerance which would consolidate the ongoing dialogue with a broad agenda that included the commitments made in the Durban Declaration and Programme of Action as well as the outcome document of the Durban Review Conference. Affirmative measures were planned for native indigenous farming peoples and other groups, as well as measures against slavery, servitude, smuggling of migrants and human trafficking. Her country, out of respect for the ancestral memory of peoples, the preservation of cultural diversity and the promotion of dialogue among civilizations, confirmed its decision to eradicate racial discrimination.

21. In the twenty-first century, many were questioning capitalism and globalization, which had left people in underdevelopment and poverty. Alternatives were offered by the new philosophy of "living well" in harmony and dignity, which involved a return to an earlier way of living, in community and solidarity, and above all respect for Mother Earth.

22. **Mr. Mamdouhi** (Iran) said that the Ad Hoc Committee on Complementary Standards should work to complete the measures taken by the international community at the Durban Review Conference, which had offered a unique opportunity to rebuild and renew international consensus and engagement in the struggle against racism. An unfortunate upsurge in discriminatory practices meant that many peoples' lives were affected by racism and racial discrimination. Despite significant progress in developing normative standards and protective instruments, old forms of racism still persisted, while new ones were emerging. Modern-day racism, increasingly based on culture or nationality, was widely disseminated in the media, including the Internet.

23. Considering the substantive role of human rights mechanisms in realizing the Durban Declaration and Programme of Action, his delegation attached great importance to the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The integrity of the mandate should be fully maintained throughout the reporting process, with due regard to the terms of reference adopted by the General Assembly and the Human Rights Council.

24. The most pertinent issues for the Ad Hoc Committee were defamation of religions, especially of Islam, Islamophobia and racial and religious profiling. All of its discussions should be clearly linked to the subject of racism in the framework of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference. It was unacceptable to address any issue not falling within the Committee's mandate.

25. Special attention should be given to the rights of people living under prolonged occupation who suffered racist and discriminatory policies and practices on a daily basis. Systematic human rights violations in the Occupied Palestinian Territory, emanating from the racial attitudes of the occupying Power, remained a matter of deep concern. The international community should continue to address its responsibility to eliminate all forms of racism and to end the suffering of the Palestinian people.

26. **Mr. Al-Mutairi** (Kuwait) said that the prevailing culture of hatred, intolerance and war must give way to a culture of dialogue and coexistence that rejected extremism, intolerance and discrimination. His Government had taken numerous legal and practical measures to eliminate racial discrimination, including accession to all relevant international agreements. Furthermore, the Kuwaiti Constitution guaranteed full equality and justice to all members of society. In pursuit of international cooperation in human rights and the elimination of racial discrimination, his Government had acceded to a number of international conventions in that area.

27. Kuwait strongly condemned the Israeli violations of the basic rights of the Palestinians living in the Occupied Territory, stressing the need to protect them from discriminatory and isolating policies exemplified by the separation wall built by Israel. The report of the United Nations Fact Finding Mission on the Gaza Conflict confirmed Israel's perpetration of war crimes and crimes against humanity.

28. **Mr. Mamdouhi** (Iran) said that the right to self-determination was fundamental for realization of all the other rights of the Palestinian people. The Israeli regime had obstructed the realization of that right for 60 years, causing human rights violations, suffering and instability. Several specific United Nations resolutions had for decades reaffirmed the Palestinian people's right to self-determination. In January 2009, the Human Rights Council had decided in its resolution S-9/1 to dispatch an urgent, independent international fact-finding mission to investigate all violations of international human rights law and international humanitarian law in the occupied Gaza Strip. The report of that mission, the Goldstone report (A/HRC/12/48), had confirmed that gross human rights violations, war crimes and crimes against humanity had been committed during the military aggression by the occupying regime.

29. The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 had stated in his report to the General Assembly (A/64/328) that the situation in Gaza had continued to deteriorate and that there were grave breaches of the Fourth Geneva Convention and violations of international human rights law. The blockade was keeping out basic necessities, health conditions had further worsened and building materials needed because of destruction during the 22-day Gaza War had been disallowed entry. The United Nations should take action to protect the civilian population.

30. The Zionist regime refused to comply with the ICJ advisory opinion that construction of the Wall severely impeded the Palestinian people's right to self-determination. Its refusal to withdraw from all Palestinian territories and its continuation of settlements were a manifest mockery of justice and human rights. The regime should return their ancestral lands to the people of Palestine. The rejection of their right to self-determination through the occupation was a grave denial of fundamental human rights. Concrete measures should be taken to address the occupying Power's non-cooperation. The Palestinian people should be able to freely determine their political status and pursue their development, with the return of refugees to their homes and the establishment of an independent Palestinian State.

31. **Mr. Desta** (Eritrea) said that his country, having fought for several generations to attain self-determination and independence, reaffirmed the right of all peoples to self-determination, as enshrined in the Charter of the United Nations and the international human rights covenants. Racism, racial discrimination and the politics of exclusion had regional and international implications for peace and security, and the struggle against racism should take place at all levels. The equal participation of national, religious and linguistic minorities contributed to political and social stability and enriched the cultural diversity and heritage of society. His delegation welcomed the outcome document of the Durban Review Conference, and as a party to most of the core human rights instruments, it would continue to advocate the speedy implementation of all the commitments made to eliminate the scourge of racism, racial discrimination, xenophobia and related intolerance.

32. **Mr. Seetoh** Kin Choong (Singapore) said that his country, with a diverse population that included representatives of many races and faiths, addressed challenges relating to racial and religious intolerance with mutual confidence, respect and understanding. The Constitution guaranteed equality for all and prohibited discrimination on the grounds of religion, race, descent or place of birth. Public policies were secular and ethnic groups were encouraged to study their own mother tongue in schools and follow their own religion and cultural traditions. Education was an important contribution and a community engagement programme was designed to strengthen understanding and ties between people of different races and religions. A key component was the inter-racial and religious confidence circles, whose members included leaders from local religious and ethnic organizations.

33. Principles and ideals had to be backed up by firm action. The Maintenance of Religious Harmony Act allowed for intervention in cases of conflict between different races and religious groups. The Penal Code criminalized acts that deliberately wounded religious or racial feelings or promoted enmity between different groups. In view of increasing levels of immigration, the National Integration Council implemented strategies to promote greater social integration, including visits to new immigrants to help them settle in the community.

34. Despite the high level of inter-racial and inter-religious tolerance and respect in Singapore, dangerous and extremist ideas could easily be promulgated and it was important to pay attention to increasing religiosity. While religion was a positive force, religious fervour in extremis could lead to negative side effects such as dogmatism and intolerance. Singapore was committed to the path of maintaining racial and religious harmony.

35. **Mr. Koh** Sang-wook (Republic of Korea) said that his delegation welcomed the adoption by consensus of the outcome document of the Durban Review Conference and highlighted the need to enhance the effectiveness of follow-up mechanisms to the Durban Declaration and Programme of Action. Any complementary standards should not duplicate, undermine or contradict existing international human rights law. The report of the second session of the Ad Hoc Committee on Complementary Standards clearly showed that a significant number of delegations, including his, were not convinced of the need to set up a new legally binding instrument. Rather, enhanced application of existing instruments was the most reasonable and efficient way to bridge the gap between standards and reality.

36. As part of its efforts to fight racial discrimination, his Government had introduced a new educational curriculum that stressed humanitarianism and human rights. In addition, civil society organizations helped the Government build an inclusive society by providing foreign workers with such services as counselling, language and cultural instruction and legal advice. At the regional and international levels, the Government was participating in interfaith dialogue

and had recently co-hosted the Fifth Asia-Europe Meeting (ASEM) Interfaith Dialogue in Seoul that September.

37. **Mr. Abdul Momen** (Bangladesh) said that little progress had been made in the fight against racism, racial discrimination, xenophobia and related intolerance since the adoption of the Durban Declaration and Programme of Action. Recent years had witnessed the rise of new forms of racism that posed serious threats to the enjoyment of human rights. In that context, the Durban Review Conference had served as an opportunity to rebuild a strong international consensus in the struggle against racism.

38. Racism remained at the root of innumerable conflicts and human tragedies, including war, genocide, ethnic cleansing and slavery. Expressing the hope that ill-intentioned efforts to justify and legitimize racism and xenophobia would be rejected, he pointed out that such emerging forms of racism must be addressed, lest their spread pose greater challenges for the international community.

39. Given the interplay between racism and poverty, efforts to eliminate racism must be undertaken in conjunction with poverty eradication and human development initiatives. In addition, affluent countries should rethink restrictive — and, in some cases, overtly discriminatory — policies that targeted asylum-seekers, refugees and migrants.

40. The Constitution of Bangladesh prohibited discrimination on the grounds of race, religion, caste, creed, gender or place of birth. Committed to maintaining the communal and religious harmony that had reigned for some time, the Government denounced racism and racist practices and would continue collaborating with civil society to raise public awareness of the issue. Interfaith and intercultural dialogue aimed at promoting tolerance and mutual understanding was another important means of combating racism. To that end, Bangladesh would continue to promote the concept of a culture of peace.

41. **Mr. Garayev** (Azerbaijan) said that Armenia had misinterpreted the principle of the right to self-determination to justify its use of force and ethnic cleansing to tear away a part of the State of Azerbaijan, in violation of international law. The right to self-determination, as defined under international law, did not grant a breakaway entity the right to secede from a sovereign State, and it was a priori ruled out when the alleged attempt to exercise it entailed flagrant violations of international law. Another measure of the illegality of the Armenian action was its establishment and support of an ethnically constructed separatist entity in occupied Azerbaijan. In contrast, his Government's approach to the right to self-determination envisaged achieving peaceful coexistence between Azerbaijani and Armenian communities of the Nagorny Karabakh region within the territorial framework of the Republic of Azerbaijan, with Armenian withdrawal from all occupied Azerbaijani territories and the return of displaced Azerbaijanis to their homes as obvious prerequisites. Any steps to undermine international law, which was based on respect for the territorial integrity of existing States, would contribute to increased instability and have unforeseeable consequences.

42. **Mr. Schlosser** (Israel) said that the Israeli people, and indeed all Jews, understood the need to confront all forms of racism, racial discrimination and related intolerance. Despite near-universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, there had been an alarming rise in racist acts, and racism and xenophobia were creeping into national agendas and mainstream speech. Anti-Semitism, often in the guise of anti-Zionism, must be unmasked, not mistaken for ordinary political discourse. Showing absolute disregard for the Charter of the United Nations, the Iranian President repeatedly called for the destruction of Israel, a Member State, before the General Assembly and denied the right of the Jewish people to self-determination. In the light of such sentiments, he hoped that the Palestinian people would find better friends. It was regrettable that the Durban process, the declared purpose of which was to address prejudice, had been tainted by its focus on the Middle East conflict, which was political, not racial, in nature.

43. As the Jewish people had suffered for centuries from racism, xenophobia, persecution and genocide, the necessary struggle against those ills would always find in Israel, the State of the Jewish people, a ready partner. The upcoming commemoration of Kristallnacht, the infamous night when nascent anti-Semitism had exploded into the maelstrom that would consume much of world Jewry, would provide an occasion to draw upon the lessons of the past for guidance moving forward. In that connection, a number of United Nations resolutions on Holocaust

remembrance and education had been adopted. Political leaders might reinforce such lessons and set an example by making a public commitment to combating all forms of prejudice.

44. His Government stood ready to engage in a meaningful dialogue with the goal of lasting peace and coexistence. In approaching such a dialogue, all parties must allow the accumulated, corrosive layers of prejudice to fall away and cease poisoning the minds of future generations.

45. **Mr. Hariprasad** (India) said that the leaders of his country's struggle for freedom from colonial rule, conscious of the destructive impact of racism and racial discrimination on society, had ensured that the Indian Constitution would enshrine the basic value of equality, an integral part of the fabric that bound a diverse country like India together. India's independent judiciary safeguarded the rights of its citizenry, while a free and vibrant media and vocal civil society further reinforced them.

46. Given that the fight to rid the world of racial discrimination and colonization had been an integral part of Indian foreign policy after independence, his Government supported national and international efforts to combat racism and shared the concern of other countries at the increase in racist incidents around the world. India also welcomed the outcome document of the Durban Review Conference and reiterated its commitment to work towards more effective implementation of the Durban Declaration and Programme of Action.

47. An active supporter of the Palestinian people's right to self-determination and exercise of its inalienable rights, India believed that the solution to the Palestine issue should be based on the relevant United Nations resolutions, the Arab Peace Initiative and the road map to Mideast peace, resulting in a sovereign, independent, viable and united State of Palestine within secure and recognized borders.

48. While people living in non-self-governing territories had the right to self-determination, that right could not be extended to ethnic, religious or other groups within an independent, sovereign State, as attempts to exploit that right in order to erode the territorial integrity of a Member State constituted an attack on the fundamental principles of the Charter of the United Nations. In that connection, he regretted the unacceptable reference made by the representative of Pakistan to the Indian State of Jammu and Kashmir, an integral part of the Union of India whose people regularly participated in free and fair elections. Pakistan would do better to focus on combating terrorism within its territory, so as to create conditions for meaningful dialogue.

49. As citizens of the largest democracy in the world, Indians were proud of their democratic traditions. For the fifteenth time in its history, the Indian electorate had recently voted in a new Lower House of Parliament.

50. **Mr. Hijazi** (Observer for Palestine) said that the effects of racism went beyond the deep-seated scars sustained by its victims, severing the bonds between cultures and communities and replacing cultural tolerance with fear, suspicion and violence. The previous century of Palestinian experience stood as a painful testament to how racism had destroyed the history and future of an entire people, beginning with the unlawful promise of the Palestinian homeland by those who did not have rights to it to another people. Palestine refugees — who constituted the majority of the Palestinian people — continued to be subjected to the harshest manifestations of racism by the occupying Power.

51. In the report of the United Nations Fact Finding Mission on the Gaza Conflict, Judge Richard Goldstone had concluded that Israel's application of its domestic laws throughout the Occupied Palestinian Territory had resulted in institutionalized discrimination against Palestinians living in the Territory, to the benefit of illegal Israeli settlers and in contravention of international human rights and humanitarian law. Israel used nearly 40 per cent of the Occupied West Bank for settlement-related purposes, restricting Palestinian movement and access to land, water and livelihood in order to allow Israeli settlers to circulate freely. Israel had also adopted laws that openly discriminated against its Palestinian citizens, such as the bill introduced by the right-wing Yisrael Beiteinu Party outlawing the commemoration of the Palestinian Nakba. The appointment of extremist Avigdor Lieberman, who had advocated for the expulsion of Palestinian Israelis from Israel, as Foreign Minister, spoke volumes about the degenerate racism driving Israeli policy. Palestinian citizens of Israel showed admirable courage in confronting the right-wing campaign that portrayed them as a demographic time bomb and a fifth column.

52. Yielding to Israel's demand for recognition of its supposed Jewish nature would require Palestinians to forgo their history and rights and endorse a racist attitude that ran counter to the modern notion of democratic political systems based on the equal rights of all citizens of the State, regardless of their ethnic or religious affiliation. Israel, the occupying Power, held the dubious distinction of being the most frequent violator of international conventions and international humanitarian law. In order to give the two-State solution a real chance, Israel must refrain from all illegal actions, including construction of the separation wall and destruction of thousands of homes, and bring 42 years of racist occupation to an end.

53. **Ms. Khoudaverdian** (Armenia) said that human rights on an individual and group level were independent and indivisible, and advocacy of the enhancement of one at the expense of the other was an attempt to avoid full recognition of the right to self-determination. Despite the universal recognition of that right, its practical realization required political will and courage. Unfortunately, attempts to suppress the realization of the right to self-determination continued to lead to military conflict.

54. Claims for self-determination should be considered on their own merits and against the historical, political and legal background of each case. An attempt to juxtapose the principles of self-determination and territorial integrity, giving one priority over the other, was no recipe for success. A balanced framework was needed to reconcile those two principles to produce an outcome that was not detrimental to the values of democracy and human freedom.

55. Human rights values were common to all people, including the people of Nagorny Karabakh, who were pursuing their inherent right to self-determination through a negotiated compromise. Azerbaijan continued to reject their proposals for a peaceful and lawful resolution. Its use of mercenaries was not a new development: some 16 years earlier, Azerbaijan had retained the services of about 2,000 mercenaries for the war with Nagorny Karabakh, some of whom were now internationally wanted terrorists.

56. The secession of Nagorny Karabakh from Soviet Azerbaijan had taken place through a referendum, peacefully and legally, in full accordance with the principles of international law and the Soviet legislation of the time. No rewriting of history could change the actual course of events. Nagorny Karabakh, having exercised its right to self-determination, was currently trying to free itself and build an open and democratic society in which the rights and freedoms of its citizens were guaranteed. Presidential, parliamentary and local elections had been held for the past 20 years in accordance with decisions of the Organization for Security and Cooperation in Europe (OSCE), a testimony to its democratization. There could be no one-size-fits-all solution for such a complex and sensitive issue. In the twenty-first century, the political will of the people should prevail in resolving issues relating to the right to self-determination.

57. **Mr. Dall'oglio** (International Organization for Migration (IOM)) said that intensifying international migration pressures challenged Governments and civil society to accommodate and gain from the resulting diversity in ways that promoted mutual understanding, peace and respect for human rights. In the context of the current financial crisis, community relations could become strained as migrants were often perceived as competing with the native labour force. Governments tended to adopt a hardened attitude towards migrants, sending them home despite their crucial role in bringing about economic recovery. Discrimination against migrants risked igniting marginalization and xenophobia, which would adversely affect the well-being of migrants and of host societies.

58. In an interdependent world, isolationism was not an option. Integration was a dynamic, two-way process of mutual adjustment and accommodation of migrants and the host community, shaped to a large extent by the host Government's integration policies. IOM had been particularly active over the previous year, helping Governments minimize discrimination and xenophobia. Recognizing the need for a broad coalition of partners to facilitate migrant integration, it had also been collaborating with the Alliance of Civilizations on diversity and integration initiatives. In a world where migration was all too often perceived as a threat to national identities and social cohesion, it was crucial to underline the positive — and, in the current economic climate, easily overshadowed — impact of migration on host countries, and to ensure that integration policies accompanied the management of migratory flows.

59. **Ms. Halabi** (Syrian Arab Republic) said that her country appreciated the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Expressing concern at the rise in incitement to religious hatred, she pointed out that the media and new information technologies such as the Internet were being used to propagate a deliberately distorted image of certain religions and cultures, leading to prejudice, hatred or feelings of superiority. The systematic targeting of Arabs and Muslims, ostensibly to combat terrorism, was a significant issue that deserved attention.

60. There had been a drastic rise in racially discriminatory policies in the Middle East. The Palestinian people continued to be subjected to targeted killing in an attempt to eliminate or expel them and to prevent them from pursuing their legitimate claims. Illegal settlements continued to be built in the Occupied Territories along plainly racial and religious lines, in order to alter the demographic situation on the ground. In that context, there was an urgent need for resolute and concerted international action to eradicate such dangerous phenomena.

61. With regard to self-determination, the Syrian Arab Republic had acceded to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries in 2008. Her Government deplored the human rights violations committed by Israel, in particular its denial of the Palestinian people's right to self-determination, in spite of repeated demands for it to abide by its obligations under international law. It was unfortunate that the United Nations remained unable to take action against Israel's violations and live up to its responsibilities towards the Palestinian people.

Statements made in exercise of the right of reply

62. **Ms. Viktorova** (Russian Federation) said that the representative of Georgia had distorted the events of August 2008 and the subsequent period. It was now possible to consider objectively who was responsible for the tragedy that had occurred, which would help to prevent a repetition of such criminal acts in the future. A key conclusion of the report of the Commission established by the European Union was that the current Georgian administration was responsible for the aggression unleashed against peaceful South Ossetia on the night of 8 August 2008. It was regrettable and unacceptable that the aggressor, clearly named in the Commission's report, was trying to shift the blame onto others and present itself to the Committee as a victim. Her delegation could not agree to the attempt made to prejudge the outcome of the case in the International Criminal Court.

63. **Mr. Sial** (Pakistan), in reply to comments made by the representative of India, said that Pakistan rejected the claim that Jammu and Kashmir was an integral part of India. A number of United Nations resolutions had recognized Jammu and Kashmir as disputed territory and the Security Council's call for a free and fair plebiscite under United Nations auspices had not yet been implemented. It was also well-known that the elections in Indian-occupied Jammu and Kashmir had been rejected by the population and by the Security Council.

64. The representative of India had tried to create a linkage between the Jammu and Kashmir dispute and terrorism. The international community had acknowledged Pakistan's role as a frontline State in fighting terrorism and despite the fact that Pakistan was itself a victim of terrorism, his country's resolve to fight it had not wavered. Legitimate struggles to claim the right to self-determination could not be equated with terrorism.

65. Although the dispute over Jammu and Kashmir was an international issue, it had been agreed that it would be addressed bilaterally through the Composite Dialogue. His Government had advanced several constructive ideas to resolve the dispute and was awaiting substantive progress towards a resolution. His delegation reserved the right to refer to that issue at the United Nations as necessary.

66. **Mr. Mamdouhi** (Islamic Republic of Iran), in reply to comments made by the representative of the regime of the occupied Palestinian territories, said that he rejected the absurd distortions of truth put forward by that representative and its baseless allegations against the Islamic Republic of Iran. He condemned the misuse of the Committee's debates to pursue unwarranted political goals. His country had always condemned acts of war or destruction against any country or entity, as well as genocide against any race, ethnic group or religious group, as a crime against humanity. There could be no explanation for the Zionist regime's unfortunate attempts to display innocence and to exploit its past crimes as a pretext for committing further acts of genocide and crimes against

humanity, such as those committed by the occupying Power during the 22-day military aggression against the defenceless people of the Gaza Strip. It had resulted in the brutal massacre of more than 400 civilians and the injuring of thousands more, including many innocent women and children. The long-lasting occupation and brutality against innocent Palestinian people and the violation of their basic human rights on a daily basis did not establish any kind of legitimacy or reason to impede their right to self-determination.

67. **Mr. Garayev** (Azerbaijan), responding to the statement made by the representative of Armenia, said that Armenia bore primary responsibility for the occupation of Nagorny Karabakh and the surrounding areas and the establishment on those territories of an ethnically constructed subordinate separatist entity which survived by virtue of Armenia's military support. The practical realization of the right to self-determination as stipulated in the relevant international documents was a legitimate process to be carried out in accordance with international and domestic law. In relation to the conflict between Armenia and Azerbaijan, all actions aimed at tearing away part of the territory of Azerbaijan were clearly unconstitutional and a violation of other international legal principles, such as the rule prohibiting the use of force and the annexation of territory. Armenia's revisionist claims with regard to self-determination were contrary to and unsustainable in international law.

68. Armenia had no moral or legal right to compare its occupation with the legal right to self-determination of peoples under occupation fighting for their independence. A report to the Secretary-General on the use of mercenaries (A/49/362) had referred to unquestionable facts testifying to the active use by Armenia of mercenaries to attack Azerbaijan.

69. The referendum conducted in Nagorny Karabakh had been held after the occupation of part of Azerbaijan and the expulsion of the Azerbaijani population and had therefore not been recognized by the international community. Azerbaijan considered the views expressed by Armenia as unconcealed propaganda for aggression and an obvious attempt to mislead the international community and its own people by blatant distortion of facts and a challenge to efforts for an early political settlement. Instead of contributing to restoring peace security and stability in the region and putting an end to the protracted conflict, Armenia preferred bellicose rhetoric and escalation, with unpredictable consequences. Armenia's position demonstrated that it was far from even thinking of engaging in a sober and effective search for peace.

70. **Ms. Shanidze** (Georgia) said that the Russian Federation seemed to have translated the Tagliavini report in accordance with its national interests. She would answer the false, groundless and shameless allegations made against her country by referring to the findings of the independent international fact-finding mission. According to chapter 7, volume II, of the report, during the conflict and after the ceasefire the South Ossetian forces, in close cooperation with Russian forces, had carried out a campaign of deliberate violence against ethnic Georgians. The campaign of violence had included: summary executions, rape and sexual and gender-based violence, ill treatment and torture of detained combatants and other persons, illegal detention of civilians, arbitrary arrests, abduction and taking of hostages, discriminatory treatment of ethnic Georgians on the territories under the control of proxy regimes of South Ossetia and Abkhazia, including limitation of freedom of movement, denial of their right to education in their mother tongue, pressure to obtain Russian citizenship and passports, a systematic and widespread campaign of pillage and looting during and after the conflict; and destruction of property, including the burning of homes and other civilian buildings in villages inhabited predominantly by ethnic Georgians, including in so-called buffer zones.

71. According to various testimonies, days prior to the outbreak of the conflict, ethnic Georgians left because of the shelling of their villages in South Ossetia. When the conflict had broken out, displacements had increased because of the hostilities and continued owing to threats, harassment and other violations of international humanitarian law and human rights law committed by the Russian and South Ossetian forces. Numerous cases of ill treatment, beating, kidnapping, arbitrary arrest and detention in the course of their displacement during the conflict and its aftermath had been reported.

72. **Mr. Schlosser** (Israel) said that the observer for Palestine, despite his suggestion to leave rhetoric aside and move to action in the peace process, had made a rhetorical and entirely one-sided statement. He had not referred to the long struggle of the Palestinian people to destroy Israel through terror, Israel's total withdrawal from Gaza in 2005 or the taking of control

in Gaza by Hamas, the Palestinian terror organization that continued to launch missiles on Israeli cities deliberately and indiscriminately. The Israeli foreign Minister had been criticized and intentionally misquoted. That was the kind of rhetoric that should be avoided if peace was to be achieved.

73. He would not respond to the comments of Syria, a country which was not exactly a hero of human rights. Syria's own citizens could enjoy more freedom and full civil rights were not granted to the Palestinians living in Syria. The Islamic Republic of Iran, as usual, failed to mention the name of Israel, a Member State of the United Nations, once again confirming its denial of the right of the people of Israel to self-determination. It was unfortunate that his Palestinian colleague did not distance himself from that kind of support.

74. **Ms. Khoudaverdian** (Armenia), in reply to the statement made by the representative of Azerbaijan, said that the Azerbaijani authorities had unleashed a policy of ethnic cleansing, mass killings and military aggression against the peaceful Armenian population of Nagorny Karabakh. Only a negotiated, comprehensive agreement could bring long-lasting peace and stability to the region, and security and well-being to its population.

75. **Mr. Hijazi** (Observer for Palestine), in reply to comments made by the representative of Israel, said that he had not made unfounded claims but had referred to a well-documented reality. An outstanding Israeli peace activist, Uri Davis, had begun documenting Israeli apartheid as far back as 1987 in his book "Israel: an apartheid State". He and other courageous writers believed in equality and abhorred racism and were committed to countering it. Yet they were not really attacking the State of Israel but rather defending it. Some world leaders had also broken their silence after years of diplomatic efforts to end Israeli racism without having to label it as such. Former United States President Jimmy Carter had published his book "Palestine: Peace not Apartheid" in 2006. Any reputable international organization or group examining the events in the Occupied Palestinian Territory, including East Jerusalem, would correctly conclude that racism and discrimination were at the heart of the reality that Palestinians suffered under Israeli occupation.

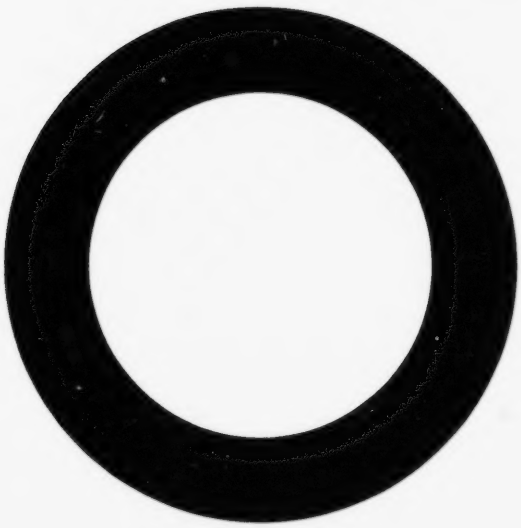
76. The Goldstone report (A/HRC/12/48) had also documented that reality. The Palestinians' long and legitimate struggle was supported by the international community, while Israel had the unenviable position of being the single most frequent violator of international humanitarian law and conventions, Security Council resolutions and General Assembly resolution 181 (II), the resolution that founded the State of Israel. As for Gaza and the internal Palestinian situation, he had not yet referred to the arming of Israeli settlers and the militias which uprooted trees and killed and tortured Palestinians on a daily basis. He had not yet referred to the mafia that made bombs and caused explosions. As for the supposed withdrawal from Gaza, it had left Gaza in a state of medieval siege that prevented the entry of food or fuel and denied every right while Israel waged a war that everyone described as barbaric.

77. **Ms. Halabi** (Syrian Arab Republic) categorically rejected the allegations made by the representative of a State that, given its record of occupation, perpetration of the most abominable forms of racism and violation of human rights, was unfit to discuss her country's human rights situation. The Syrian Arab Republic had never occupied the territories of another country, nor had it ever attacked a neighbouring country. Furthermore, the 2008 report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/64/13) attested to the legal measures adopted by the Syrian Government to ensure equal treatment of Palestine refugees before the law while preserving their Palestinian citizenship until their return to their country, in accordance with General Assembly resolution 194 (III) of 1948.

78. **Mr. Mamdouhi** (Islamic Republic of Iran) said that the issue at stake was not the occupying regime's name but rather its distortion of the facts in order to evade its main dilemma, namely, the lack of legitimacy that arose from more than 60 years of occupation and brutality in the Occupied Palestinian Territory.

79. **Mr. Garayev** (Azerbaijan) said that Armenia, out of its open disregard for the fundamental principles of international law, avoided referring to the authoritative documents adopted by the Security Council and the General Assembly on the issue. Recognizing that Nagorny Karabakh was an integral part of the sovereign State of Azerbaijan and decrying the use of force as inadmissible, those documents called for the immediate, full and unconditional withdrawal of the occupying forces from Azerbaijan.

The meeting rose at 5.55 p.m.



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Summary record of the 38th meeting
Held at Headquarters, New York, on Tuesday, 3 November 2009, at 10 a.m.

Chairperson: Mr. Penke ..... (Latvia)

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The meeting was called to order at 10.15 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (A/64/12 and Add.1 and A/64/330)

1. **Mr. Guterres** (United Nations High Commissioner for Refugees), introducing his report (A/64/12), said that while billions of dollars had been spent in developed countries to dampen the consequences of the financial and economic crisis, comparatively little attention had been paid to the impact of the crisis on the developing world, even though it could reverse years of effort to reduce poverty and attain the Millennium Development Goals. The effects of the crisis on population displacement should be examined while keeping in mind the major global trends, particularly population growth, increasing urbanization, climate change, migration, food insecurity, lack of access to water, and increasing energy demand, which also required a global response. In conjunction with the global recession, those trends contributed to the multiplication and deepening of the crises.

2. Currently, two thirds of all the refugees in the world were situated in an arch stretching from south-west Asia through the Middle East to the Horn and Great Lakes of Africa. It was also in that area where three quarters of the 14.5 million internally displaced people supported by the Office of the United Nations High Commissioner for Refugees (UNHCR) in 2008 resided and where all significant new population displacements were taking place. In addition, almost half of the people displaced by conflict, violence or human rights abuses lived in Africa. In that regard, the recent adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the first legally binding instrument on the subject, was a major advancement which could serve as an example to other regions of the world.

3. Contemporary forms of displacement were becoming more and more complex due to a combination of different factors, such as conflicts, climate change, extreme poverty, poor governance and food and energy crises, and they represented, from the standpoint of UNHCR operations, four major challenges: the shrinking of humanitarian space, the shrinking of asylum space, the difficulty of achieving durable solutions and assistance to urban refugees.

4. The shrinking of humanitarian space was due to the fact that a multiplicity of actors in current conflicts had no respect for humanitarian principles or the safety of humanitarian staff; that some countries, on the ground of national sovereignty, did not allow humanitarian organizations to operate in their territory; and that the blurring of the lines that had once clearly separated the civilian and military spheres had been exploited by some to undermine the very foundations of humanitarian action. For UNHCR, which had lost three staff members in a period of just six months, nothing was more important than the safety of staff. It had therefore created a Security Steering Committee to examine the security situation of key operations, make recommendations and enhance other staff security measures such as information-gathering and training. It was also organizing confidence-building initiatives with local communities, proactively communicating with all the relevant actors and strengthening its cooperation with other bodies of the United Nations system in the areas of risk assessment, training and sharing of expertise.

5. With regard to the shrinking of asylum space, while there had been some positive developments in asylum law, especially in terms of alternatives to the detention of asylum-seekers, the trend was broadly towards greater restrictions and fewer rights. In particular, a number of developed countries had limited access to their territories in ways that did not respect the rights of asylum-seekers and refugees under international and regional law. It was neither moral nor acceptable to send asylum-seekers back to countries where protection was not available, or to burden developing countries further. UNHCR thus continued to advocate the implementation of a common European asylum system in order to address an unfair situation that also threatened to aggravate the problem of secondary movements.

6. The difficulty of achieving lasting solutions was directly related to the increasing complexity and intractability of contemporary forms of conflict. Massive repatriation movements were decelerating as a result, in particular, of the deteriorating situations in Afghanistan, southern Sudan and the Democratic Republic of the Congo, where conditions had become less conducive to the return of refugees. At the same time, the increased receptivity to local integration that

had been evident just a short time earlier had already begun to erode, as fewer refugees returned to their countries of origin and host countries felt the effects of the economic crisis. For developing countries, hosting refugees was an enormous burden. Because voluntary repatriation and local integration opportunities were declining, demand for resettlement was increasing and it was imperative to find additional resettlement places.

7. In the meantime, the number of people in protracted refugee situations was expected to increase. He outlined the main features of the UNHCR global plan of action in that regard. The same risk of protractedness and the need for comprehensive solutions animated the Office's efforts on statelessness, as shown by its work in Bangladesh, where the issue of the status of the Urdu-speaking Biharis had been resolved just in time for the national elections; in the Russian Federation, where an increasing number of those left stateless were being granted nationality; and in Kyrgyzstan, Viet Nam, Côte d'Ivoire, the western Balkans, Iraq and Nepal.

8. In recognition of the strong links between displacement, urban planning and poverty reduction, and considering that the people it was mandated to protect were increasingly residing in cities, UNHCR was currently conducting a study on urban displacement together with a global coalition of municipal authorities and development partners. It had also undertaken a thorough review of its urban operations for Iraqi refugees in Amman, Beirut and Damascus, and had introduced a new urban refugee policy.

9. Recalling the early results of the reform process undertaken by UNHCR, as described in his report (A/64/12), he emphasized that the savings generated had made it possible to free up additional resources for the beneficiaries of the Office's programmes and to bridge gaps in a number of areas (combating malaria and malnutrition, promoting reproductive health and combating sexual and gender-based violence), as well as to implement new anaemia-prevention, water and sanitation programmes. The reforms had also enabled the Office to significantly enhance its emergency response, as shown by the speedy deployment of staff and assistance in response to the recent crises in Pakistan and Sri Lanka. The global needs assessment (GNA), a new approach adopted by UNHCR, and its ambitious results-based framework were among the most important of the reforms implemented. Needs-based budgeting had been piloted in 2008 and rolled out worldwide in early 2009. The global needs assessment would make it possible to project the full scale of the beneficiaries' needs for the first time.

10. The process of decentralization and regionalization was ongoing: 67 of the countries in which UNHCR was present were already covered by 16 regional offices, and new approaches were being tested in the Regional Bureaux for Europe and the Americas. Decision-making authority had been moved as close as possible to the point of delivery.

11. The first phase of human resources management reform had been completed with the establishment of an Ethics Office, a whistleblower policy, a Staff-Management Consultative Council, a Career Management Services Section, improved procedures for fast-track deployment in emergencies, a policy on short-term assignments and a new performance appraisal system. The second phase was ongoing and would result in a more streamlined and professional assignments and promotions process, implementation of the new United Nations system-wide administration of justice regime and enhanced recruitment procedures.

12. The change process was moving into a phase of consolidation focusing on oversight and continuous improvement and building on the gains that had already been made. At UNHCR headquarters, a new Division for Programme Support and Management had been created to integrate programme management, analysis and support functions. The capacity of the Division of International Protection Services was being enhanced. All the recommendations made by the European Anti-Fraud Office to augment the independence and integrity of the Office of the Inspector General either had been or were being implemented.

13. UNHCR did not lose sight of the fact that reform was not an objective in itself, but a means by which the Office could become better able to provide protection, assistance and solutions to beneficiaries. By that measure, many of its reforms had already been effective. It had embraced its new responsibilities for people internally displaced by conflict, including leadership of the protection and camp coordination and management clusters, and global leadership in relation to protection in natural disasters. In order to bridge gaps at the field level, he asked Member States to support the proposal to have UNHCR take on the role

of coordinating protection-related activities, such as registration, detection of vulnerable populations and targeted support for women and children.

14. **Ms. Zewdie** (Ethiopia) said that the report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/64/330) contained unfounded statement about displaced persons in Ethiopia, in particular the assertion that reliable data were not available, as access to the areas concerned was restricted, and that the lack of such information had made it difficult to devise long-term solutions for that population, and that the new law on charities and societies would impede action on human rights issues.

15. On the basis of recent statistics from the competent national authorities, her delegation believed that the number of displaced persons in Ethiopia had been exaggerated, and her Government found such interference in its internal affairs unacceptable. Natural and man-made disasters had indeed led to serious humanitarian crises and population displacement in Ethiopia, and the Government was working closely with United Nations bodies and non-governmental organizations to respond to the needs of the displaced. Refusing access to those areas would run counter to the objective of its humanitarian efforts. In 2007, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator had led a field mission and had not reported any restrictions on access to sites for displaced persons. Her Government would therefore like to know the sources of the High Commissioner's information, and asked whether he thought that international humanitarian organizations could give sole priority to human-rights-related activities in order to help resolve the underlying causes of conflict-related displacements.

16. **Mr. Idrees Mohamed Ali** (Sudan), recalling that his country was host to refugees from neighbouring countries, said that paragraph 36 of the report of the United Nations High Commissioner for Refugees (A/64/12) did not accurately reflect the true situation on the ground. It was surprising to see the issue of the humanitarian organizations that had overstepped their mandate and had had to leave the country being raised again, since it had already been dealt with and other organizations were now on the ground, as confirmed by the assessment team working with the Sudanese Government and the United Nations. The humanitarian situation in Darfur was improving, as evidenced by the return of refugees and the reduction in the number of violent acts, and as the representative of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) had indicated in his report to the Security Council. In addition, on a political level, the Sudan was making every effort to resume negotiations with Darfur, with assistance from Qatar. He asked for clarification about the mandate and activities of the Ethics Office in relation to the human resources reform at UNHCR.

17. **Mr. Metso** (Finland) said that his delegation supported the use of results-based management as a way of strengthening the responsiveness of UNHCR and looked forward to seeing the results of its implementation in 2010-2011 and beyond. He also particularly welcomed the adoption of the GNA strategy. He asked how the GNA might help improve intervention and needs assessment capabilities throughout the United Nations system and, in coordination with other stakeholders, whether there were plans to assess the methodology and applicability of the strategy after an initial period, with a view to potential improvements, and whether it could be applied to the Consolidated Appeals Process.

18. In practice, implementing lasting solutions to refugee situations often meant ensuring the transition from emergency relief to development, and cooperation between the various stakeholders was crucial in that regard. He asked what problems UNHCR encountered most often in such situations and how the efforts made could be strengthened.

19. **Mr. Al-Shami** (Yemen) recalled that in his report (A/64/12), the High Commissioner had cited Yemen as a positive example in terms of hospitality towards refugees, despite the serious economic challenges facing the country. In that regard, he asked whether UNHCR planned to increase cooperation with States facing such difficulties, for which such cooperation was imperative.

20. **Mr. Porquet** (Côte d'Ivoire) conveyed his condolences to UNHCR for its three murdered delegates and expressed indignation at such barbaric acts. His delegation urged the High Commissioner and his team to redouble their efforts to favour a more coherent interpretation of the Convention relating to the Status of Refugees and expressed support for the GNA. He also asked UNHCR to continue promoting an equitable geographical distribution of managerial posts within the Office.

21. **Ms. Mballa Eyenga** (Cameroon) welcomed the good relationship between UNHCR and her Government. She welcomed the reforms undertaken at UNHCR since 2006; however, some difficult issues still needed to be addressed, such as the security of humanitarian personnel, and she asked Member States to take action in that regard. Her Government was making efforts to ensure security and respect for basic human rights in the country's refugee camps, working alongside various national and international organizations. In that regard, UNHCR provided a range of educational and health services, had given Cameroon's Ministry of Public Health capacity-building support in its fight against malnutrition and, together with other United Nations bodies, had conducted vaccination programmes. Noting that UNHCR was in excellent financial health, she thanked donors for their unprecedented generosity in 2008.

22. Her delegation was concerned about the transportation of food and humanitarian supplies, and would like to know how the international community could improve the security of the ships and what the needs of UNHCR were in that regard.

23. **Ms. Brown** (Australia) said that her country, which fully supported UNHCR and its staff in the field, was concerned about the violence they had been subjected to and the restrictions placed on access for humanitarian aid. The reforms the Office planned and its intention to strengthen the GNA were encouraging, as was its decision to assume a leading role by forming partnerships with other humanitarian assistance organizations. Her country commended the High Commissioner for his renewed efforts and looked forward to participating in the debate to be held the following December on the question of refugees in urban settings. Australia was delighted to be presiding over the Executive Committee, through its Permanent Representative to the United Nations in Geneva, and working closely with the High Commissioner in that capacity.

24. **Ms. Bhoroma** (Zimbabwe) expressed concern that the Secretariat continued to present the humanitarian situation in Zimbabwe in a negative and political way, as for example in paragraph 32 of the report (A/64/330), which mentioned the problems faced by "the large number of displaced people in the country". Her delegation wondered how such a statement could be made, given that the Government had not yet determined whether there were displaced people in the country and for what reasons. The political positions taken and the lack of statistical precision in paragraphs 32 to 34 of the report were worrying, particularly the use of vague expressions such as "continuing political uncertainty" and repeated uses of words such as "large numbers" and "many". The country had made significant progress both politically and economically, and the Secretariat should not present its own opinions as fact.

25. Though the report suggested that the presence of Zimbabweans in South Africa was a recent phenomenon, it was in fact nothing new. The report again referred to the outburst of xenophobic violence in May 2008 even though it had been addressed the previous year and the formation of an inclusive Government had meant that, generally speaking, Zimbabweans were now able to remain in or return to the country. The Secretariat should be careful not to overburden the Committee's programme of work with such repetitions and should present up-to-date reports.

26. **Mr. Starčević** (Serbia) drew attention to the burden borne by certain countries, including Serbia, which were host to a large number of refugees and where the issue of displaced persons was a long-standing one. According to the report, there were 341,000 people in protracted displacement in Serbia. His delegation would like to know how the High Commissioner planned to resolve that particular problem in Europe.

27. **Mr. Luo** Cheng (China) noted that the number of refugees had declined in 2008, particularly as a result of the concerted efforts of UNHCR and other international, regional and national organizations, but stressed that there were still many challenges, stemming from security issues, ongoing armed conflicts, or indeed the financial crisis, climate change or extreme poverty. Developing countries received the most refugees, and their burden was still far from becoming easier. UNHCR should continue its efforts to help refugee populations and their host countries, and to prevent any abuses of the protection mechanisms. The Government of China had signed the 1951 Convention relating to the Status of Refugees and its corresponding Protocol had always respected its international obligations on the matter and was prepared to strengthen its cooperation with UNHCR.

28. **Mr. Mosoti** (Kenya) welcomed the High Commissioner's interest in the situation of Kenya,

which was host to a large number of refugees. Some of the displaced people had recently been able to return home and were therefore no longer in the camps. However, there were still 400,000 refugees in two camps, 300,000 of them in Kakuma, plus several thousand more unregistered refugees.

29. Kenya had for too long been suffering the consequences of the conflicts in neighbouring regions, Somalia in particular, and although aid from UNHCR and other organizations was extremely valuable, long-term solutions still needed to be found in order to stem the constant flow of refugees. He would like to know what recommendations the High Commissioner intended to make to Member States in that regard. Moreover, although the voluntary repatriation programmes to the Sudan were commendable, attention still needed to be paid to the impact, in particular the environmental impact, of camps such as Kakuma on local populations, whose opinions should be taken into consideration.

30. **Mr. Selim** (Egypt) said that it was important to find a solution to the age-old and deep-rooted problem of refugees by coordinating the efforts of UNHCR with those of other United Nations organizations. He asked what actions the High Commissioner had taken to improve the security of staff in the field and what was meant by the term "refugee-like situations".

31. **Mr.** Suljuk Mustansar **Tarar** (Pakistan) strongly condemned the attacks that had taken the lives of UNHCR staff members and stressed that it was important to identify and eliminate the threat against them. He asked the High Commissioner what assistance could be given to the local populations in developing countries hosting people in protracted refugee situations, particularly in the light of the current serious financial and food crises.

32. **Mr. Loulichki** (Morocco) lamented the fact that the efforts of UNHCR, which were increasingly in demand as a result of many and various crises, sometimes cost lives. He agreed that the five broad trends outlined by UNHCR called for global cooperation, and noted that there was a gap between the expectations of the international community and the financial contributions it was prepared to make. He hoped that expanding the activities of UNHCR would not divert it from its principal and initial mandate. His delegation would like to know whether UNHCR intended to pursue its policy of relocation, following the successful transfer of certain functions to Budapest, and whether it could contemplate giving Governments guidelines to enable them to coordinate their responses to natural disasters more effectively.

33. **Mr. Guterres** (United Nations High Commissioner for Refugees), in responding to the question from the representative of Ethiopia, acknowledged the scope and importance of the cooperation the Government of Ethiopia had provided to UNHCR. However, he knew from personal experience, and had documentary proof, that the Ethiopian authorities had refused to permit UNHCR to open an office in the south-eastern part of the country to help those who had been displaced owing to violence in the region. The same was true of the Sudan, whose Government worked closely with UNHCR to provide aid to 150,000 refugees in the eastern part of the country and to encourage many refugees to return to the south: although the conclusions contained in his report (A/64/12) applied only to the period concerned, and non-governmental organizations had gained improved access to Darfur since that time, the fact remained that the Sudanese Government had yet to respond to some requests made by the UNHCR country team related to the fulfilment of its mission to protect refugees and manage camps in northern and southern Darfur.

34. He agreed with the representative of Finland that the implementation of the GNA and the *Focus* management tool was a very ambitious project that must be evaluated, especially as it covered the operations of UNHCR overall. For that reason, the resources of the Policy Development and Evaluation Service had been enhanced. UNHCR was working to simplify the tool so that it could cooperate fully with other actors and harmonize emergency needs assessments. In that regard, the requirements associated with the use of the tool should have an inspiring effect on the system as a whole and contribute to strengthening cooperation between UNHCR and its partners.

35. Responding to the representative of Yemen, the High Commissioner said that the savings resulting from internal reform had allowed UNHCR to strengthen its presence in countries whose difficulties in addressing refugee protection were made all the greater by the current economic crisis, such as Yemen (where UNHCR had increased its activities threefold over the past three years) and the Democratic Republic

of the Congo, where it intended to continue intensifying its operations.

36. In response to the concern expressed by the Ivorian delegation, he said that UNHCR was committed to ensuring not only geographic balance in its staff, but also gender equality. To that end, it had established a quota of 50 per cent women at all levels. However, that often caused many problems owing to the fact that United Nations recruitment policies gave priority to other criteria.

37. He commended the Government of Cameroon for its generosity and the exemplary cooperation it had demonstrated towards large numbers of refugees from neighbouring countries. Integration of such refugees did not always go smoothly. The logistical problems referred to by the representative of Cameroon had been experienced primarily by the World Food Programme, which had encountered difficulties in transporting food shipments owing not only to acts of piracy but also to a lack of appropriate infrastructure in some very isolated areas.

38. He commended Australia for its dynamic approach in presiding over the UNHCR Executive Committee and expressed appreciation for its close cooperation with him, which should make it possible to make a great deal of progress in the coming year. In response to the concerns expressed by the delegation of Zimbabwe, he recalled that the observations contained in document A/64/12 applied only to the period under consideration. The situation in Zimbabwe had improved since then, and the paragraphs of the report to which the Government of Zimbabwe objected also contained many positive elements.

39. With regard to the comments made by the delegation of Serbia, he confirmed that Serbia was indeed on a list of five countries with protracted refugee and displaced persons situations and required special attention. He reaffirmed the importance he attached to that situation and announced that a conference on the matter was shortly to take place in Serbia. UNHCR and the Government of Serbia were working with the cooperation of Governments of neighbouring countries to put in place repatriation measures and find innovative solutions to resolve the problem of tenancy rights in a sustainable way.

40. He was planning a trip to China and was gratified by changes in Chinese legislation on refugees, and, in particular, by the incorporation of the Convention Relating to the Status of Refugees into Chinese law.

41. With reference to the situation in Kenya, he noted that UNHCR, in collaboration with nine other organizations, had set up a host community support plan. In that context, it had committed to implementing development programmes in the region of Dadaab, among others. That support, which had been overlooked for a long time, was needed not only in the interest of fairness, but also in order to ensure protection for host and refugee communities. However, the question of finding a long-term solution to protracted refugee situations was complicated and required much more than humanitarian intervention. Only a political solution could stem the flow of Somali refugees to Kenya, which had recently reached 7,000 people per month.

42. In response to the question posed by the Egyptian delegation, the High Commissioner referred to the notes to table 1 in his report. People in displaced-person-like or refugee-like situations ran the same risks as refugees and displaced persons and were therefore under the care of UNHCR even if, for various reasons, they had not yet been officially registered.

43. He commended Pakistan, which, despite the difficulties it faced, hosted more refugees than any other country in the world, including 1.8 million Afghan refugees. He hoped that the Refugee Affected and Hosting Areas initiative (RAHA), launched in cooperation with the Government of Pakistan, would be extended. Despite recent events, it had received support from a number of countries.

44. He assured the representative of Morocco that UNHCR had no intention of neglecting its primary mandate, which remained at the centre of its concerns. Moreover, the expansion of its activities far from leading to a rise in structural costs, had, to the contrary, made it possible to cut costs by pooling resources. All functions which could be transferred to Budapest already had been, but others, such as information technology support, would be relocated. The number of staff working in Geneva had already been reduced from 1,040 to 720 people. That represented a significant savings, as costs at the new duty stations were far lower. UNHCR was coordinating the overall action plan for natural disaster situations and had already developed guidance material. It was generally the application of the recommended measures that posed

some problems, particularly in countries with weaker administrations or where more support was needed.

45. **Ms. Mtawali** (United Republic of Tanzania), speaking on behalf of the Southern African Development Community (SADC), pointed out that to resolve the problem of displaced populations worldwide, the various phenomena which were the root causes of displacement needed to be addressed. SADC welcomed the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and called upon all African countries to ratify it.

46. The member States of SADC were host to more than 2 million displaced persons, and despite the political environment which characterized the region, significant headway had been made in 2009 in integrating refugees. Tripartite meetings had been held to allow the return of refugees to their countries, and Angola, Zambia and the Democratic Republic of the Congo were making particular efforts to find a permanent solution to the problem of long-term refugees. SADC believed that in addition to the traditional solutions, a comprehensive approach which incorporated opportunities for legal migration would provide the best chances for success. It was that approach which had motivated the Government of the United Republic of Tanzania to naturalize the Burundian refugees from 1972.

47. Developed economies such as South Africa and the exponential economic growth rates in Angola during the last two years were attracting a growing number of migrants. Host country resources, already hard hit by the world crises, were being put to a severe test. SADC must meet the considerable challenges represented by mixed migratory movements and the influx of refugees into urban areas. Peace and stability were necessary to ensure the protection of persons in vulnerable situations, but it was also important to develop a regulatory framework and to set up sustainable socio-economic measures. The shrinking of asylum space in developed countries shifted the burden of responsibility to other countries. A comprehensive approach must be adopted which linked the assumption of international protection responsibilities to a humanitarian perspective.

48. **Mr. Örnéus** (Sweden), speaking on behalf of the European Union; the candidate countries the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Azerbaijan, the Republic of Moldova and Ukraine, recalled that as of the end of 2008, there were some 15 million refugees and 26 million internally displaced persons in the world who were victims of climate change, pollution, population growth, urbanization, food insecurity, economic crisis and shrinking humanitarian space. The year 2009 marked the 60th anniversary of the Geneva Conventions, and the promotion of international humanitarian law was more important than ever: humanitarian space was shrinking, access to populations in need of assistance was denied and attacks on humanitarian actors were increasing.

49. The European Union was concerned by the conditions of displaced persons detained in camps in Sri Lanka and called for their freedom of movement, an overall plan for their return and unimpeded access for humanitarian organizations. Recalling the objectives of the Convention relating to the Status of Refugees and its Protocol, the European Union considered that the issue of violations of the principle of non-refoulement needed to be addressed in the context of mixed migratory flows, and that the 10-Point Plan of Action for the protection of civilians in times of armed conflict could be a valuable instrument in that context. The European Union was developing a Common European Asylum System as part of the Stockholm Programme, which the European Council aimed to adopt in December 2009.

50. The European Union noted with deep concern the situation of millions of long-term refugees and urged all States to address the root causes of the phenomenon and to adopt measures for voluntary repatriation, local integration and resettlement. The European Union was creating a resettlement programme for refugees with specific needs. In terms of repatriation, voluntary return, which was often hampered by insecurity and lack of infrastructure in the country of origin, required that measures be taken to fill the gaps between emergency relief and development assistance. The involvement of UNHCR in the "delivering as one" process of the United Nations was important in that regard. A growing number of persons of concern to UNHCR resided in urban areas, and that posed specific challenges that needed to be reflected in the UNHCR budget. The European Union commended the expansion of UNHCR assistance programmes for

internally displaced persons and welcomed the signing, by 17 States, of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

51. Partnerships and coordination with other humanitarian actors were fundamental for effective humanitarian response. The European Union supported the cluster system and the common financing mechanisms. It urged UNHCR to support the activities of the Emergency Relief Coordinator at the international level and those of humanitarian coordinators at the national level. It also welcomed the creation of the Task Force on Needs Assessment of the Inter-Agency Standing Committee (IASC) on Post-War and Disaster Reconstruction and Rehabilitation. It welcomed the structural and administrative reforms of UNHCR and therefore supported the draft resolution on the High Commissioner's Office (A/C.3/64/L.52).

52. **Mr. Lippwe** (Federated States of Micronesia), speaking on behalf of the Pacific small island developing States, emphasized the effects of climate change and noted that the island States of the Pacific were among the most vulnerable countries, particularly to the risk of population displacement caused by climate change. The Intergovernmental Panel on Climate Change (IPCC) anticipated that, by 2050, 150 million persons would be displaced as a result of climate change, and the Stern Review on the Economics of Climate Change cited the figure of 200 million. In the Pacific region, climate-induced displacement factors included the loss of freshwater through reduced precipitation and salt water intrusion into freshwater reserves, food insecurity due to increased flooding, erosion and salinization of arable land, ocean acidification, rising sea levels and natural disasters.

53. In certain Pacific island States, such as Vanuatu, the Federated States of Micronesia, Papua New Guinea and the Solomon Islands, population displacements had already begun, causing serious problems in terms of relocation. Owing to the climate crisis, States such as Kiribati, the Marshall Islands and Tuvalu were threatened with becoming uninhabitable or even being submerged. There was good reason to be troubled by the lack of international protection for climate refugees. While the holding of discussions to fill that legal vacuum was welcome, the priority was to prevent migrations and therefore to protect the integrity of the territories threatened by climate change, which was predominantly caused by human activities in developed countries. It was therefore essential for the international community to manifest its political will in that regard.

54. **Mr. Sparber** (Liechtenstein) said that his country was concerned about the situation of the 26 million persons displaced within their countries by armed conflicts and urged all parties to conflicts to facilitate the work of the various organizations in the field, to grant them unconditional and immediate access to refugees and displaced persons, to respect the rights of these populations and to guarantee their protection both inside and outside the temporary camps where they live, particularly from armed violence, military recruitment attempts and sexual violence.

55. The 60th anniversary of the Geneva Conventions should be the occasion to recall that, even though the Conventions had represented a major advance at the time of their adoption, in that they had established fundamental rules applicable in times of armed conflict, they were nonetheless routinely violated in many regions of the world, which was a cause for major concern. The increase in the number of displaced persons as a result of climate change and natural disasters was worrying, as were the projections by UNHCR that, over time, there would be much larger and more complex migrations, which were expected to result in an increase in the number of stateless persons. The international community must pay more attention to those issues and to the legal status of climate refugees, who would need protection under international law and humanitarian assistance.

56. The United Nations Climate Change Conference, which was being held in December 2009, should be the occasion for the international community to become aware of the man-made causes of such tragedies and to reach a substantial agreement in order to be able to respond to the humanitarian challenges awaiting it.

57. **Mr. Miyamoto** (Japan) noted that in recent years the need for humanitarian assistance had increased owing to conflicts and natural disasters resulting from climate change. He expressed concern about the impact of the economic crisis on international humanitarian aid and confirmed Japan's commitment to continue strengthening its partnership with UNHCR and providing it with financial support. The structural reform of UNCHR needed to continue, as that would allow it to streamline its aid work and therefore enable

it to devote more resources to field operations. To that end, the efforts to introduce results-based management through GNA and the *Focus* tool were essential. In addition, the new budget structure would further enhance the efficiency and efficacy of UNHCR's work while deepening understanding of that work among its partners.

58. In connection with the conclusions of the Secretary-General's reports presented in 2009, the representative of Japan emphasized three main points. First, he supported the call for all parties to conflict, including non-State actors, to facilitate humanitarian access to refugees and to displaced persons. Second, he supported the efforts made to universalize international normative instruments, adding that it was vital to respect the Guiding Principles on Internal Displacement, and invited States that had not yet acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol to consider doing so. Third, he invited the international community to address the root causes of displacement and the problems faced by displaced persons during post-conflict peacebuilding. There was a need to mitigate the impact of natural disasters, which also cause displacement, and all countries were invited to implement the Hyogo Framework for Action. His Government supported structural reform of UNHCR and looked forward to the High Commissioner's visit to Japan at the end of November 2009. In 2010, Japan would be launching a pilot resettlement project in which it would be receiving refugees from Myanmar.

59. **Mr. Mercado** (United States of America) said that his delegation supported the global approach adopted by UNHCR to the discharge of its mandate, but believed that the protection of populations affected by conflict was a moral imperative which must remain a priority. Diplomacy and decision-making on national security played a central role, and States must be made aware of the fundamental rights of internally displaced persons. In addition to the provision of humanitarian assistance to displaced persons after conflict had emerged, efforts must be made to prevent displacement and find lasting solutions for victims of conflict, particularly for the millions of refugees in protracted displacement situations. The United States strongly supported diplomatic action for humanitarian purposes. It was the largest donor to UNHCR, and expected the reforms designed to improve the effectiveness, transparency and quality of its activities to continue.

60. **Mr. Vigny** (Switzerland) also welcomed the progress made by UNHCR in improving the management of its operations, particularly in the field of protection. Primary responsibility for refugee protection lay with States, and he called for as many States as possible to ratify and respect the 1951 Convention and 1967 Protocol. Switzerland was concerned about the increasing restrictions imposed on humanitarian actors seeking to access conflict zones, and would work to reverse that trend, including by drawing up a manual on the regulatory framework which would be made available to national authorities, international organizations and humanitarian actors in the field. His delegation looked forward to the High Commissioner's dialogue on protection challenges, which would be held in December 2009, and welcomed the new UNHCR policy on that subject.

61. **Ms. Shanidze** (Georgia) said that since the August 2008 conflict, there had been a deterioration in the human rights situation in the Georgian occupied territories of Abkhazia and the Tskhinvali region of South Ossetia. That had been confirmed by the report of the independent fact-finding mission led by Ms. Tagliavini. Access to the region by humanitarian actors and the international community remained blocked, despite the provisions of the ceasefire agreement of 12 August 2008 and relevant resolutions of the General Assembly, notably resolution 63/307 of 9 September 2009. Georgia had been taking steps to register and assist persons displaced since August 2008, and they were receiving socio-economic support and social protection. Georgia sought to address the needs of all displaced persons located in the territories under its control, including those internally displaced since the early 1990s. Measures were being implemented, particularly in employment, education and social services, to enable the relocation of people who were unlikely to return to their homes. The Georgian Government had adopted a revised State Action Plan for the Implementation of the National Strategy on Internally Displaced Persons, and intended to promote long-term integration of those people affected, through an approach based on transparency and dialogue.

62. **Mr. Stenvold** (Norway) underlined that the number of displaced people was increasing as a result of climate-change-related natural disasters and complex emergencies. The African Union Convention for the Protection and Assistance of Internally

Displaced Persons in Africa was the first legally binding international instrument in that field. Norway encouraged all African Union member States to sign, ratify and implement the Convention and called on donor countries to support the process it instituted. Norway appreciated the importance assigned to the situation of long-term refugees at the High Commissioner's Dialogue on Protection Challenges 2008 and hoped consensus could soon be reached in order for the Executive Committee to adopt conclusions on protracted refugee situations. Norway was a co-sponsor of draft resolution A/C.3/64/L.52.

63. **Mr. Selim** (Egypt) expressed concern at the growing number of refugees and persons displaced by international crises, including the financial crisis, and at the lack of resources allocated to finance the activities of UNHCR. The issue of internally displaced persons should be addressed separately from that of refugees, who must remain the priority beneficiaries of the work of UNHCR. The Security Council was not the appropriate body to address climate change mitigation when many other United Nations agencies were already addressing that issue effectively. Egypt supported all efforts to strengthen the international legal framework, including the Convention Plus initiative and the recently adopted African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

64. International action in the field of refugee protection should focus on the following four areas: eliminating the causes of conflicts in the world, including by improving States' capacities for development; promoting respect for international refugee law, in complementarity with international humanitarian and human rights law, and ensuring that refugees' human rights were not negatively affected by security or migration concerns; promoting international solidarity and partnerships and assisting States emerging from conflict to build their institutional capacities in order to take care of their citizens; and encouraging refugees' voluntary repatriation to their home countries by financing national programmes, while strengthening international efforts, particularly the role of the Peacebuilding Commission.

65. The refugee issue was first and foremost a humanitarian issue. Its essence however lay in its political and economic roots. The international community, drawing upon the principles of international law, must make addressing that issue a priority for action.

66. **Ms. Blum** (Colombia) said that the Colombian authorities had strengthened the protection system for internally displaced persons in that country, in the fields of prevention, assistance and social and economic stabilization. The constitutional court had also made rulings which had allowed the development of a national programme to guarantee the rights of indigenous peoples affected by displacement. Special attention had also been given to the situation of displaced women, and guidelines had been established for this purpose with the support of UNHCR. Generally speaking, health insurance, education and humanitarian assistance coverage had been extended since the previous year, as had cash transfer programmes, home purchase grants and income generation programmes aimed at facilitating the long-term integration of displaced populations.

67. The annual number of new cases of displacement had dropped by one third since 2002. The High Commissioner's report (A/64/12) did not reflect the progress achieved, because it covered a period of more than 11 years and did not reflect the numbers of people who had returned home or those whose situation had stabilized. She welcomed the assistance provided to Colombia by UNHCR to help strengthen the legal and policy framework, enable affected people to participate in policy formulation, and enhance monitoring programmes. In order to strengthen refugee protection, partnerships and coordination schemes between UNHCR and national Governments were an essential strategy.

68. **Ms. Abdelmageed** (Sudan) said that it was important to provide the Office of the High Commissioner with sufficient resources, so as to ensure that refugees received the necessary services. In the camps in central and eastern Sudan, insufficient resources had been provided and this had led to a serious deterioration in the situation. As a result of conflicts and natural disasters, Sudan had welcomed refugees. However that had also resulted in the presence of Sudanese refugees in neighbouring countries. Assuming full responsibility in this regard, the Government of National Unity has adopted a national policy to address this situation, based on the Comprehensive Peace Accords and the Interim Constitution of 2005 and on all international instruments ratified by Sudan. Sudan was striving to

encourage the voluntary repatriation of refugees and return of displaced persons, according to the 1974 Law in this regard. Although progress had been achieved, Sudan lacked the resources to develop essential infrastructure and services and appealed to the international community for assistance in this regard. At the international and regional levels, Sudan would continue to strive to strengthen protection for refugees and displaced persons and to apply the relevant instruments, including the Geneva Convention of 1951 relating to the Status of Refugees, the Protocol thereto of 1962, and the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa.

The meeting adjourned at 1.05 p.m.

United Nations A/C.3/64/SR.39

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Chairperson: Mr. Penke ..... (Latvia)

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The meeting was called to order at 3.05 p.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/64/12, A/64/12/Add.1 and A/64/330)

1. **Mr. Emadi** (Islamic Republic of Iran) said that although most of the Afghan and Iraqi refugees in his country had been voluntarily repatriated, over one million remained. In recent decades, the Islamic Republic of Iran had spent billions of dollars on subsidized food, energy, public transportation, health care, social services and legal protection for those refugees. Voluntary return was the best durable solution, and the distribution of land helped encourage return and reintegration. His country therefore believed that international assistance should be allocated mostly to the housing of returnees. The idea of encouraging refugees to integrate in host countries was unrealistic and irrational, and would lead to crisis.

2. Iran was the second-largest host country in the world, but accounted for only some 0.5 per cent of the 88,800 resettlement cases recorded for 2008. The Office of the United Nations High Commissioner for Refugees (UNHCR) accepted that there were some 85,000 vulnerable refugees and displaced persons in the country in 2009, but only 1,400 resettlement cases were being considered. That situation was unjust, especially given that an increasing number of refugees wished to be resettled in third countries. UNHCR should encourage international participation in global resettlement efforts.

3. In 2009, over 240,000 refugees in Iran were attending schools. The cost of medical services provided to refugees amounted to over $12 billion. However, international contributions accounted for less than 1 per cent of the required funds. He hoped that the international community would fulfil its responsibility.

4. **Ms. Mtawali** (United Republic of Tanzania) said that her country had sustainably repatriated over 590,000 refugees from Burundi and the Democratic Republic of the Congo since 2002. Her delegation was grateful to UNHCR and international donors for their assistance in that process. The programme was supervised by a Tripartite Commission, which ensured that repatriations were voluntary and complied with international law.

5. Local integration by naturalization was one pillar of the strategy which her Government had adopted in 2007. As of September 2009, some 12,000 of the 84,000 Burundian refugees in her country had been granted citizenship. Her Government also offered local integration as a solution to refugees of the 1972 crisis, based on the understanding that international donors would fund the programme until its conclusion.

6. On 29 September 2009, at the 60th session of the Executive Committee of UNHCR in Geneva (A/AC.96/SR.630), her delegation had invoked the cessation clause with respect to refugees from Burundi. In so doing, it had observed that protracted refugee situations imposed considerable burdens on host States and communities. It seemed logical that when the situation in countries of origin improved and the conditions that had given rise to flight no longer existed, refugees should return home.

7. Resettlement as a form of permanent solution had not received due attention. As a result of tighter immigration laws in many countries, statistics for resettlement were declining. She called on developed States to share the burden by opening their doors to further resettlement opportunities.

8. **Mr. Benmehidi** (Algeria) said that in view of the current crises, UNHCR was faced with new challenges. For instance, it had taken on the burden of assisting internally displaced persons, migrants and the victims of natural catastrophes. His delegation supported UNHCR in that work, but at the same time, a distinction must be made between refugees and economic migrants in order to respect the original mandate of UNHCR.

9. There were 11.6 million internally displaced persons and 2.1 million refugees in Africa alone. Algeria welcomed the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009). His country called on all concerned parties to help African States to address the root causes of the complex situations at hand.

10. In view of its international commitments and its experience under the yoke of colonialism, Algeria had for over 30 years extended assistance and protection to refugees from Western Sahara. During his recent visit, the High Commissioner had witnessed the malnutrition and deprivation that prevailed in refugee camps. Algeria bore a disproportionate burden, and therefore

welcomed the decision to increase the budget of UNHCR. The confidence-building measures which had allowed the refugees in Tindouf and the population of Western Sahara to renew their family ties were welcome. Their plight was closely connected with the lack of progress in the implementation of international commitments. A just, lasting and mutually acceptable political solution was needed in order for the Sahrawi people to exercise its inalienable right to self-determination.

11. **Ms. Viktorova** (Russian Federation) said that the situation of the world's refugees demonstrated the important role of UNHCR and the need to define strategic guidelines for improving refugee protection. Her Government supported the work of UNHCR and was stepping up its own efforts to improve the protection of refugees and displaced persons, inter alia, by updating its legislation on the subject and doing more to secure their rights. Frank and open dialogue on refugee questions with the relevant international organizations, including UNHCR, was to the advantage of all concerned. She expressed support for the continuing efforts of UNHCR to bring about structural and budgetary improvements in its operations. The cluster approach was an effective tool for reacting to crisis situations, especially those involving mass displacements of population requiring emergency assistance. In refugee situations UNHCR, acting within its mandate, should be the lead agency. Governments should, however, be mainly responsible for solving the problems of internal forced displacement.

12. The international dialogue on protection should focus not only on the effectiveness of existing standards and national procedures, but also on the actual problems stemming from mixed migratory flows, including curbs on illegal migration, ending abuses of refugee status, and exchanging experience with improving refugee law. The reduction and elimination of statelessness, to which the High Commissioner had devoted great attention, should be given high priority. She drew attention to the Executive Committee's conclusions relating to statelessness, adopted in 2006, and the importance of putting them into effect. The sheer number of stateless persons was disquieting. The problem of the many so-called "non-citizens" in Latvia and Estonia, for instance, was still unresolved. Coordinated efforts must be made to overcome the deadlock in addressing the problem of statelessness by taking positive measures free of political calculation, partiality and double standards.

13. Marked progress had been achieved in the relations between her Government and UNHCR, through common approaches to the question of refugee status in situations already governed by national procedures and legal guarantees of the rights of refugees.

14. She welcomed the approach taken by UNHCR in finding long-term solutions to the problems of return, voluntary repatriation and resettlement. However, the question of mass resettlement in third countries in crisis situations called for a more cautious approach, which should be developed through consultation with the main regional partners.

15. **Mr. Tanin** (Afghanistan) said that Afghanistan was the leading country of origin of refugees worldwide. Some 80 per cent of Afghan references had been in exile for over 20 years; over 5 million had returned since 2001. His country was grateful to the Governments and peoples of Pakistan and the Islamic Republic of Iran for their assistance. The support of UNHCR, other international agencies and host countries was essential in order to ensure a life of dignity for refugees.

16. Despite the success of the voluntary repatriation programme, Afghanistan lacked the necessary resources to provide for returnees. Repatriation was also affected by terrorism and insecurity, which caused further displacement, in particular along the border with Pakistan. Poverty had been exacerbated by rising food prices and attacks on aid organizations.

17. A National Development Strategy had been established with the aim of increasing capacity for sustainable reintegration. With the support of international partners, his Government was working to empower and reform the Ministry of Refugees and Repatriation, foster interministerial cooperation and mobilize additional resources. In November 2008, Afghanistan had hosted an international conference on the return and reintegration of refugees, which had drawn attention to the need for sustained financial assistance. At their seventeenth trilateral meeting in July 2009, the relevant Governments had reaffirmed their commitment to the voluntary, gradual, safe and dignified repatriation of all Afghan refugees, and had agreed to strengthen and expand the National Development Strategy.

18. **Mr. Sipangule** (Zambia) said that it was futile to treat the symptoms of a problem without addressing its cause. The international community should devote more efforts and resources to tackling armed conflict and promoting democratic values and good governance. Zambia appreciated the efforts of UNHCR and the African Union to convene a special summit of Heads of State and Government to discuss the protection of refugees, returnees and displaced persons. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa was another welcome step.

19. The flow of refugees to Zambia had decreased, although individuals continued to arrive from the eastern Democratic Republic of the Congo and the Horn of Africa, particularly Somalia. There was now an opportunity for thousands of refugees to return voluntarily to their countries of origin. Zambia continued to prioritize voluntary repatriation and facilitate resettlement in third countries. At the same time, local integration would be considered where possible.

20. The Democratic Republic of the Congo repatriation programme was progressing well. The target of 18,500 repatriations by the end of 2009 was likely to be achieved. However, over 30,000 refugees from that country would still be in Zambia by the end of the year. The situation justified a review and extension of the agreed time frame for organized voluntary repatriation.

21. The organized voluntary repatriation programme for Angolan refugees had come to an end in 2007. With logistical support from UNHCR, the Governments of Angola and Zambia had determined new modalities to facilitate the return of Angolan refugees. He called on UNHCR to assess whether the cessation clauses applied to Rwandan refugees in Zambia. There appeared to have been no progress with repatriation efforts.

22. Zambia welcomed the convening of the High Commissioner's dialogue on challenges for people of concern to UNHCR in urban settings, an area that posed a challenge to the country. The UNHCR policy on refugee protection and solutions in urban areas, which included a ten-point plan, could serve as the basis for a practical response. His country appreciated the assistance provided by UNHCR and the budget to be approved for the 2010-2011 biennium. The international community must respond to the High Commissioner's call for additional resources.

23. **Ms. Gebremariam** (Ethiopia) said that the reintegration of returnees was often hampered by the absence of appropriate infrastructure and the steep rise in food prices. The connection between relief and development had not received sufficient attention, and the resources of UNHCR were overstretched.

24. Africa was home to almost half of the world's internally displaced persons, whose situation was jeopardized by underdevelopment and lack of resources. The international community should provide financial assistance to Africa, and support governments in their efforts to address the issue. The recently adopted African Union Convention was a further statement of the continent's commitment towards internally displaced persons.

25. Ethiopia remained committed to the 1951 Convention relating to the Status of Refugees and the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa. It had enacted legislation establishing a procedure for asylum applications, and was working with international humanitarian organizations to assist the over 110,000 refugees on its territory.

26. Her Government had worked relentlessly to find durable solutions, including voluntary repatriation, reintegration and resettlement programmes. Over 6,000 refugees from Eritrea had been resettled in the United States of America. Many had been permitted to join their relatives in cities in Ethiopia. Efforts were being made to ensure access to higher education in Ethiopia. Between 1997 and 2005, some 250,000 refugees had been voluntarily repatriated to north-western Somalia, and as a result, seven of the eight refugee camps in eastern Ethiopia had been closed. However, three additional camps had been opened between 2007 and 2009 to host refugees fleeing new unrest in Somalia.

27. Since 2006, around 36,000 refugees from the Sudan had been repatriated, and that process was continuing. Through the African Union and the Intergovernmental Authority on Development, Ethiopia was actively seeking a solution to the conflicts in Somalia and Darfur. The refugee issue in her country could be resolved only with international support and peacebuilding efforts.

28. **Ms. Robertson** (Canada) said that the protection role of UNHCR was essential, including in the context of the cluster coordination approach. At the same time, States must fulfil their responsibilities towards refugees and internally displaced persons. Canada continued to support the efforts of UNHCR to build a stronger and more results-oriented organization. Refugees must be involved in the decisions that affected their lives. Her country looked forward to the forthcoming High Commissioner's dialogue, welcomed the UNHCR policy on refugee protection and solutions in urban areas, and appreciated the Office's leadership of the protection clusters of conflict-affected populations. The High Commissioner had recently expressed an interest in leading, where appropriate, the protection cluster. Her delegation looked forward to discussing the parameters for such engagement at the Executive Committee.

29. Canada stressed the need for age, gender and diversity mainstreaming in analysing protection needs, and commended UNHCR for its efforts to take a rights-based and community-based approach. UNHCR had made significant efforts to implement a large-scale process of structural and managerial change. Such changes would enhance the Agency's efficiency, effectiveness and coherence. Canada encouraged UNHCR to take stock of its achievements and report on them in a comprehensive manner.

30. Planning and prioritization were key elements in improving effectiveness. The comprehensive needs assessment that had been undertaken was therefore welcome. However, the budget might unduly raise stakeholders' expectations in difficult economic times. Canada encouraged UNHCR and Member States to manage expectations and develop a clear and transparent framework to establish priorities.

31. Canada welcomed the progress that had been made towards elaborating a comprehensive approach to displacement, and encouraged the formation of partnerships between actors involved in development, peace and security and humanitarian action. To that end, UNHCR could further strengthen the linkages between the global protection cluster and the field. Lastly, Canada called on all actors to ensure the safety of aid workers, many of whom had lost their lives while assisting others.

32. **Mr. Tarar** (Pakistan) said that since the 1980s, his country had hosted the largest refugee population in the world. Pakistan's generosity to Afghan refugees had impacted the job market, public infrastructure and economic, socio-cultural and security sectors.

33. The loss of life of aid workers, including UNHCR staff members, was disturbing. Pakistan condemned those acts of terrorism in the strongest possible terms, and was determined to eliminate the threat.

34. In consultation with UNHCR and the Government of Afghanistan, Pakistan had decided to continue the voluntary repatriation programme beyond 2009. In March 2009, his Government and UNHCR had signed a letter of mutual intent to ensure the voluntary nature of returns. Viable return packages and reintegration would help create a "pull factor". The international community must share responsibility for maintaining Afghan refugees in Pakistan. Assistance had been considerably reduced since 2002, and must be strengthened.

35. **Mr. Loulichki** (Morocco) said that the work of UNHCR was hampered by the global crisis and the constant threat to staff members. UNHCR had worked to improve the living conditions of refugees and internally displaced persons by ensuring the civil and humanitarian character of camps and guaranteeing freedom of movement, family reunification and voluntary repatriation. Morocco welcomed the decision to strengthen the capacities of the Division of International Protection Services.

36. Host countries were responsible for conducting a census in order to ensure that UNHCR operations were based on verified data. UNHCR should act in accordance with its humanitarian and social mandate, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the relevant deliberations of the Executive Committee. It should seek to enact sustainable solutions without any political or ideological obstacles imposed by host countries.

37. Morocco had repeatedly asked UNHCR to put an end to the deplorable conditions of refugees in the Tindouf camp, and to extend protection and assistance to the refugees until their voluntary return to Morocco. The High Commissioner for Refugees had recently visited Rabat, Algiers and Tindouf. He had deplored the plight of the camp's inhabitants and stated that the tragedy of separation cut across all families from Western Sahara. He had rejected the idea that a census could be conditional on the political resolution of the

conflict. His visit had established in an unequivocal manner that Algeria had flagrantly refused to comply with its international obligations by allowing UNHCR to conduct a census. That position had been in place since 1967, and was an insult to UNHCR and the United Nations.

38. It was not enough for Algeria to bemoan passively the fate of the people of Tindouf. Instead, Algeria should help to solve the problem, and let those people exercise freedom of expression and movement. The representative of Algeria had called for a political solution; that wish should be backed by action. Algeria's proximity entailed an obligation. At the very least, Algeria should refrain from obstructing the process.

39. **Mr. Yoder** (Ukraine) said that his Government had processed hundreds of asylum-claims and opened temporary accommodation for asylum-seekers. The Ukraine cooperated with a range of international institutions, and had recently launched an action plan to integrate individuals who had been granted refugee status.

40. The Ukraine complied with its obligations under the 1951 Convention regarding the Status of Refugees and its 1967 Protocol, which were the principal instruments for the protection of refugees. It welcomed the new role of UNHCR as cluster leader for camp coordination and management and for the provision of protection and shelter in situations of conflict-related internal displacement and supported the policy of refining the budget of UNHCR, reorganizing its structure and functions, and optimizing expenditure and staff allocation.

41. **Mr. Srivali** (Thailand) said that his country continued to harbour over 130,000 displaced persons from neighbouring countries. In so doing, Thailand worked in close partnership with UNHCR, which had shown exemplary commitment. The UNHCR resettlement programme for Thailand continued to be the largest in the world. His country was grateful to non-governmental organizations (NGOs) for their assistance.

42. Thailand was faced with unique challenges. In addition to assisting displaced persons, it needed to remain responsive to its own citizens, who did not always understand why the country must comply with its international obligations. Sustainable and comprehensive solutions for displaced persons required the involvement of the entire international community and all stakeholders. His delegation therefore looked forward to the High Commissioner's dialogue, and hoped that a comprehensive picture of the causes and solutions to the problem would emerge as a result.

43. Thailand commended the courageous humanitarian staff who worked in conflict zones, and condemned in the strongest possible terms any attack against them. His country appreciated the efforts of the High Commissioner to establish a permanent Security Steering Committee to enhance security for UNHCR field staff.

44. **Mr. Kaludjerović** (Montenegro) said that his country had over the previous two decades shown openness to thousands of displaced persons from the former Yugoslav republics. Displaced persons now accounted for 4 per cent of the population. Montenegro treated everybody equally, including in the areas of employment, education, health and opportunities for entrepreneurship. The Government had adopted several documents setting forth its obligations in achieving a sustainable and just solution for displaced persons.

45. The re-registration of displaced and internally displaced persons was still continuing with the full support of UNHCR, and would be completed in December 2009. The process would determine their exact number, and collect all relevant information on displaced persons from Kosovo in particular, in order to improve coordination of regional efforts.

46. Legislation on foreign nationals had been amended to allow all displaced persons to acquire the status of foreigner with permanent residence, enjoying full rights and the appropriate identity card. Displaced persons who fulfilled the necessary requirements could register as refugees and subsequently apply for citizenship of Montenegro.

47. The European Commission, the Organization for Security and Co-operation in Europe, UNHCR and regional States should intensify their efforts to allow displaced persons to return to their homes. It was equally essential to ensure that repatriations were sustainable. Technical and financial assistance for return and reintegration were an important component in achieving a durable solution to refugee issues.

48. **Ms. Sobhan** (Bangladesh) said that increasing political strife and violence and the emergence of new threats like climate change made it likely more people

would be displaced in the coming years. UNHCR must develop strategies to address that increasingly complex situation. She regretted that the contribution of host countries and the difficulties they faced were often not appreciated. Bangladesh, for example, despite limited resources and the environmental, social, economic and security risks of hosting large numbers of refugees from Myanmar, had been meeting their needs for over three decades. Their living conditions had been improved, basic services were available and they were issued identity and ration cards. The international community however, must help shoulder that burden.

49. Repatriation was an inalienable right of refugees and the only viable solution to refugee situations, including protracted ones. Furthermore, most of the countries hosting refugees were developing countries struggling to achieve the development of their own people; local integration was not a viable option. UNHCR must act accordingly and countries of origin must be helped to address the root causes that had caused displacement with a view to creating the necessary conditions for successful repatriation.

50. Her delegation welcomed the reforms at UNHCR, aimed at devoting more resources to field operations, in particular by reducing operational and staff costs and increasing resources to improve the conditions of refugees and supported its efforts to meet its protection mandate for persons of concern. In that context she called for a more balanced approach to the goals of the Agenda for Protection, especially adequate focus on sharing burdens and international cooperation. She also called on all stakeholders to enhance their support for UNHCR in the performance of its mandated responsibilities.

51. **Mr. Hariprasid** (India) said that determination of refugee status must conform strictly to UNHCR criteria. The international community must be prepared to extend all possible help to refugees and stateless persons, and welcomed efforts by UNHCR to strengthen its capacities for both protection and quick response. He expressed concern however at the number of protracted refugee situations, the increase in refugee populations and the difficulties UNHCR at times faced in gaining access to persons requiring protection. Access was often impeded by non-State actors in situations of armed conflict; the international community must ensure that non-State actors guaranteed access for humanitarian organizations.

52. Primary responsibility for internally displaced persons lay with national authorities; UNHCR should be involved in meeting their needs only with the concurrence of national authorities or, in the case of a collapse of national authority, in conformity with the conditions approved by the General Assembly. The implications of intervention by UNHCR should likewise be carefully examined.

53. India was not a signatory to the 1951 Convention relating to the Status of Refugees because it believed that the Convention was limited in scope and did not address issues relating to massive migration and mixed refugee flows. India had, however, always respected international principles pertaining to refugees, in particular non-refoulement. It had received diverse streams of migration and currently hosted some of the largest refugee populations in the world, whose needs were met from its own resources and who enjoyed full protection under Indian law. India had likewise managed the successful repatriation of a large number of refugees through bilateral arrangements without any multilateral assistance.

54. His delegation would continue to work in concert with the international community to address challenges to the international protection agenda in a spirit of solidarity. It respected the efforts of UNHCR staff in particular, often in dangerous situations, and assured them of its continuing support.

55. **Mr. Starčević** (Serbia) said that if countries of origin addressed the root causes of displacements of their populations, refugees would be encouraged to return home. Serbia hosted large numbers of refugees from Bosnia and Herzegovina and internally displaced persons from its southern province of Kosovo. More than a half million refugees had been registered in Serbia since 1996, and, while only 86,000 were currently registered, the decrease was primarily the result of acquisition of Serbian citizenship by more than 250,000 of them. Their socio-economic situation continued to be difficult due to loss of property and violations of their rights in the countries of origin, an issue of particular importance for those who still wished to return home once appropriate conditions for their safe and sustainable return were created.

56. Serbia was the only European country affected by a protracted refugee situation. In addition to the more than 86,000 refugees from neighbouring countries, more than 230,000 internally displaced persons from

and within the province of Kosovo remained. That figure had not significantly declined for more than 10 years and the pace of returns had almost come to a halt in the past two years despite the efforts of the United Nations Interim Administration Mission in Kosovo (UNMIK).

57. His delegation welcomed the UNHCR initiative to address the problem of protracted refugee situations and had actively participated in the second meeting of the High Commissioner's Dialogue on Protection Challenges held in December 2008 in Geneva. During the past two years his Government had undertaken several initiatives in cooperation with UNHCR and other international organizations to reinvigorate efforts to find durable solutions for refugees through improved cooperation with neighbouring countries.

58. His delegation hoped that the visit of the High Commissioner in August 2009 would lead to intensified efforts to resolve the refugee and displaced person situation in south-eastern Europe. In the near future his Government would host a regional conference aimed at finding durable solutions that would provide the countries of the region with an opportunity to demonstrate their willingness to cooperate even on sensitive issues, and thus likewise further their goal of European integration.

59. His Government stood ready to cooperate with its neighbours, in particular the countries of origin, in finding sustainable solutions for the protracted refugee situation. It would continue to provide assistance and protection to refugees and provide for the local integration of refugees who chose to stay in Serbia. For their part the countries of origin should make additional efforts aimed at ensuring a sustainable return of the refugees, who were their own citizens based on full respect for their human rights, including property, tenancy, labour, pension and other rights, in a free and non-discriminatory manner. In the meantime assistance from the international community in meeting the needs of the refugee population continued to be of great importance. His delegation, a member of the Executive Committee of UNHCR, would continue to support the work of the High Commissioner worldwide.

60. **Ms. Park** Enna (Republic of Korea) said that refugees in many parts of the world continued to face severe humanitarian crises, aggravated by the global economic recession. Strategic and effective responses to alleviate the plight of refugees were more necessary than ever. She therefore supported UNHCR's remarkable achievement in promoting institutional and budgetary reform aimed at strengthening needs-based activities, for example the introduction of the global needs assessment (GNA) and the adoption of the first Biennial Programme Budget prepared in accordance with the new budget structure. UNHCR's improved structure and budgetary system and strengthened leadership in the cluster approach, in particular in such areas as emergency shelter and protection, would improve services on the ground.

61. She expressed grave concern at reports of forced return of refugees. Neither security concerns nor economic considerations could justify violation by States of their fundamental obligation of non-refoulement. Particular attention needed to be paid to North Koreans who had left their country but had been forced to return. The fear of persecution following their return should exclude them from forced return, in accordance with the 1951 Convention relating to the Status of Refugees. Refugees or persons in refugee-like situations should not be subject to forced return by a third country in which they resided or to which they had travelled.

62. Sexual and gender-based violence against women during armed conflicts and the precarious situations of refugee children were other matters of grave concern. Both UNHCR and States should meet the specific needs of refugee women and children, given their particular vulnerabilities. Efforts should, for example, be redoubled to adopt a more child-friendly approach at borders, during interceptions at sea and in detention situations and the asylum process.

63. UNHCR should strengthen integration of its age, gender and diversity mainstreaming (AGDM) strategy into protection efforts and evaluate that strategy in the light of the current accountability and results process. It should enhance its partnership with intergovernmental and non-governmental organizations in order to provide the most effective protection services to women and children, and also mainstream a gender perspective in the emergency shelter and protection clusters.

64. **Mr. Kuymizakis** (Malta) said that refugees continued to arrive in Malta by sea, often requiring rescue by the Maltese armed forces; in 2009 alone more than 1,200 immigrants from 43 different countries had arrived in Malta. That untenable situation required the attention of the international community.

In the Mediterranean as a whole the sinking of boats crowded with immigrants had led to considerable loss of life. Illegal immigration affected the socio-economic situation in Mediterranean countries and strained relations between States.

65. Illegal immigration placed a heavy burden on Malta, a small island with one of the highest population densities in the world. Malta nevertheless continued to honour its international obligations to refugees and persons qualifying for humanitarian protection and was one of the countries with the highest acceptance rate of asylum-seekers relative to its size and population. In 2005 his Government had embarked on a campaign aimed at raising awareness of the burden caused by illegal immigration, obtaining assistance from international partners and pursuing strategies at the regional and international levels to achieve durable solutions to the problem.

66. Illegal immigration constituted a soft security threat to countries of origin, transit and destination, depriving countries of origin of potential labour resources, placing a burden on transit and destination countries, and affecting inter-State relations. Closer security cooperation including border management would help eradicate human smuggling and trafficking, which contributed to illegal immigration. Both issues should be given equal importance by the United Nations and the international community.

67. His delegation fully supported the European Union's commitment to enhanced coordination among stakeholders but also called for better implementation of existing mechanisms in order to assist countries that received high numbers of illegal immigrants. States should exchange information and best practices and adopt a coherent approach to dealing with illegal immigration. They should likewise increase awareness, encourage prevention and meet their protection obligations in order to lessen the long-term negative effects of illegal immigration on often innocent victims.

68. Malta had always met its obligations with regard to illegal immigrants. Given that illegal immigration was a growing international phenomenon generally beyond the control of destination countries, however, the United Nations should address that issue in a holistic manner. All States, including countries of origin and transit, must likewise step up their efforts to deal with that challenge.

69. **Mr. Ould Hadrami** (Mauritania) said that his delegation appreciated the work of UNHCR, and in particular its efforts to assist the Mauritanian refugees who had left for Senegal during the painful events of 1989. In 2007, UNHCR and the concerned Governments had concluded an agreement to facilitate the refugees' voluntary return and reintegration into society. His Government had established several bodies including the National Agency for Refugee Assistance and Reintegration in order to assist that process.

70. As a result of those efforts, over 14,100 refugees had returned to Mauritania. Returnees received every available benefit, including recognition of civil status, health care and identification cards, and could settle where they chose. The National Agency provided food, basic necessities and land for cultivation and residence. Some 144 teachers had returned to their occupation. The return of refugees from Senegal was expected to be completed by 31 December 2009; 7,000 more refugees would return, bringing the total number of returnees to some 22,000 individuals.

71. **Mr. Nofukuka** (South Africa) acknowledged the structural and management reforms undertaken by UNHCR to make its headquarters leaner and more efficient, improve performance at the field level, strengthen planning and better assess needs. That would also make it easier for Member States to meet their protection responsibilities. He urged UNHCR to continue to promote durable solutions for refugees, particularly in Africa.

72. The number of refugees globally had decreased but the number of internally displaced persons had increased. Africa hosted the largest number of internally displaced persons; most of the refugee and displacement situations in Africa were protracted, depriving millions of people of the opportunity to contribute to the continent's development. Prolonged life in camps also exposed refugees to security threats, including recruitment by armed groups.

73. Natural disasters accounted for a growing number of displaced persons. The problem of climate change, which affected the poor more severely, must be addressed. The victims of natural disasters must be assisted in a timely and effective manner and their human rights should always be respected.

74. He welcomed the recent adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and looked

forward to working with UNHCR and other partners to develop sustainable solutions for forced displacement in Africa. He also looked forward to increased partnership and better coordination with other stakeholders, especially under the leadership of Governments.

75. His delegation would continue to monitor the implementation of the cluster approach and the Delivering as One initiative. Implementation of the Biennial Programme Budget 2010-2011 should be aimed at protecting UNHCR's core mandate and States must ensure that UNHCR staff were able to carry out their work in the safest possible environment.

76. The poor regions of the world, in particular Africa, continued to bear the heaviest refugee protection burden. The rich countries must do more to support countries in those regions and equitably share the responsibility to provide protection according to the ability of each nation. His delegation recognized the valuable work done by UNHCR and appreciated the challenges it faced. It would continue to work to ensure that the needs of refugees and other vulnerable communities were met.

77. **Mr. Andanje** (Kenya) said that Kenya attached great importance to the work of UNHCR, in particular with regard to protection of refugees. The establishment by his Government of a Department of Refugee Affairs testified to its resolve to strengthen its national protection framework. His delegation appreciated the difficult circumstances UNHCR faced. In Africa the food and economic crises most affected the vulnerable, including refugees, while the financial crisis had limited available resources. Furthermore, insecurity and lawlessness in such countries as Somalia had hindered delivery of humanitarian assistance and even resulted in the deaths of humanitarian workers.

78. According to the report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/64/330), in 2008 the number of refugees in Africa had decreased by 7 per cent, primarily due to a number of successful voluntary return operations. The peaceful settlement of conflicts in a number of African countries however, had contributed in no small measure to the voluntary return of refugees, for example in Liberia, Sierra Leone and the Democratic Republic of the Congo.

79. Kenya currently hosted approximately 500,000 refugees, in two camps in northern Kenya and major urban centres. His delegation concurred with the report of the Secretary-General concerning the overcrowding in the Dadaab camp but strongly disagreed that the opening of new camps had been delayed pending allocation of land by the Kenyan authorities. His Government had to negotiate the allocation of land with the traditional leaders of the local Kenyan Somali communities, a long and complex process. Agreement in principle to the establishment of two additional camps in exchange for improved basic services for the local population had been reached and the sites had been visited by the High Commissioner during his visit to Kenya in September 2009.

80. The influx of refugees from Somalia at a rate of 5,000 persons per month following the recent escalation in violence in that country was a serious concern. It placed an enormous burden on resources needed for development and caused significant environmental degradation in a fragile ecosystem. The influx also posed a security threat because the movements of refugees could be exploited by criminal elements, resulting in the proliferation of illicit small arms and light weapons, leading to inter-community conflict and insecurity.

81. The post-election violence that had broken out in December 2007 had caused the displacement of approximately 700,000 people. Kenya had been ill-equipped to deal with such massive displacement. Thanks to the support of the international community, that situation had been addressed and most of the displaced had been resettled, although support for ongoing reconciliation initiatives was still needed.

82. His delegation fully supported the Secretary-General's recommendation that State and non-State parties to conflict and international and regional mediators should work towards addressing the root causes of all forms of displacement in Africa in a resolute manner, with greater attention to the links between the prevention of displacement, durable solutions and sustainable peace processes. Since the largest refugee and asylum-seeker burden was borne by the developing countries, the international community should step up its efforts to share that burden.

83. He welcomed the recent adoption of the Kampala Declaration on Refugees, Returnees and Internally Displaced Persons in Africa by the African Union Heads of State and Government. The Declaration would increase awareness of the problem and

encourage States, in cooperation with the African Union, to assume their responsibility to meet the needs of refugees and also to resolve the crises that had led to forced displacement. His Government would continue to protect the rights of refugees and asylum-seekers in partnership with UNHCR and other United Nations agencies.

84. **Ms. Luther-Ogbomode** (Nigeria) welcomed the efforts of UNHCR to meet the needs of refugees. The need for humanitarian assistance caused by an increase in crises, armed conflicts and natural disasters, and exacerbated by the effects of the current food, energy and economic crises, was a central issue on the international agenda. In Nigeria, the National Commission for Refugees was responsible for protection of persons of concern; its mandate had recently been expanded to include resettlement of displaced persons and migration matters in general.

85. Nigeria had found local integration to be a successful and a durable solution to its refugee problem. For example, bearing in mind the principle of freedom of movement and residence enshrined in the ECOWAS Treaty, it had entered into an agreement with the Governments of Liberia and Sierra Leone as well as the Economic Community of West African States (ECOWAS) and UNHCR aimed at the full integration of refugees from Liberia and Sierra Leone, including granting them the same rights as Nigerian citizens. The key to a durable solution was, however, full cessation of hostilities in those countries, establishment of democratic governments and cooperation by local, sub-regional and international stakeholders for the granting or conclusion of international protection. Her Government had sought the support of UNHCR to expand the agreement concerning Liberia and Sierra Leone into a subregional framework for refugees from ECOWAS countries.

86. Her Government had designated a new, more accessible and secure location for refugees in the town of Zing, in the state of Taraba that would allow for better coordination of humanitarian assistance. It worked closely with UNHCR to implement integration programmes for refugees in Gembu, also in the state of Taraba. More than 10,000 refugees had received skills training, basic services were provided and micro-credit schemes were available to promote employment. That reintegration programme, a joint effort of her Government and UNHCR aimed at promoting stability and reducing poverty and unemployment, was an example of a best practice relating to returnee populations.

87. Her Government was working with all stakeholders to articulate a national policy framework for the management of internally displaced persons and migration and was committed to establishing a sustainable settlement area for refugees and other persons of concern. It was expanding its Assisted Voluntary Returnees programme, establishing a national migration database, developing risk reduction mechanisms to reduce internal displacement, and strengthening regulation of its organized labour system in order to reduce irregular migration.

88. Her Government would continue to work to develop effective mechanisms for managing refugees, internally displaced persons, migrants and other persons of concern in keeping with the provisions of the 1951 Convention relating to the Status of Refugees and the 1969 Organization of African Unity Convention governing the Specific Aspects of Refugee Problems in Africa. Her delegation welcomed the recent adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and called on all African States to sign that instrument.

89. **Mr. Al-Shami** (Yemen) said that his country had been among the first to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Yemen had implemented the provisions of those instruments in accordance with its Islamic and Arab principles, and had established a National Commission on Refugee Affairs in 2000. Since the early 1990s, it had received tens of thousands of refugees from the Horn of Africa, in particular from Somalia. The figures provided by UNHCR showed that some 46,000 refugees had arrived in 2009 alone. Camps had been set up and care had been provided to them, in cooperation with the relevant United Nations agencies.

90. The High Commissioner's report (A/64/12) stated that despite significant economic, social and security challenges facing the country, Yemen was a positive example. Yemen was also addressing the root causes by seeking a solution to the conflict in Somalia. The refugee problem represented a significant burden on Yemen. He therefore called on the international community to increase its support. His country appreciated the efforts of UNHCR, and in particular

the drive towards greater efficiency and decentralization.

93. **Mr. Al-Modaf** (Kuwait) said that his country continued to make voluntary contributions to UNHCR. Kuwait provided support for the 4.7 million Palestine refugees around the world. In particular, $24 million had been donated to cover basic necessities in the wake of the recent aggression against the Gaza Strip. His country had provided a total of $500 million, including $200 million for the Gaza Strip alone.

94. Kuwait had contributed $300 million to the Paris donor conference, $4 million to the reconstruction of the Nahr al-Bared camp in Lebanon and $300 million to the reconstruction of that country in the wake of the 2006 war. Kuwait wished to reaffirm its political, moral and material support for the Palestinian people and their just cause. It was a matter of grave concern that Israel continually hampered the humanitarian work of United Nations agencies.

95. The plight of displaced persons from Iraq also deserved attention. Kuwait had made voluntary contributions to UNHCR in order to provide for displaced persons in Iraq. His country appreciated the efforts of UNHCR to assist Iraqi refugees in such Arab States as Jordan and the Syrian Arab Republic.

96. **Ms. Swengbe** (Liberia) commended UNHCR for its work and recognized the courage of humanitarian workers, who faced increasing risks in the performance of their duties. Liberian refugees in neighbouring countries continued to receive humanitarian assistance while those who returned home enjoyed multi-sectoral support for reintegration; at the same time Liberia received assistance for refugees from other countries in its territory. UNHCR was working with her Government to address the situation of those Liberians still living in refugee camps and also to promote peacebuilding. With a view to strengthening the rule of law it had reinforced the judicial infrastructure, trained county-level officials, developed a legal framework for combating sexual and gender-based violence and established a special unit in the Ministry of Justice for that purpose.

97. She welcomed the involvement of UNHCR in meeting the needs of internally displaced persons and noted Liberia's positive experience of partnership with UNHCR and other United Nations agencies and NGOs to facilitate the return and reintegration of thousands of internally displaced persons. The international community should increase its financial support for UNHCR in spite of the current economic crisis and strengthen in particular its resolve to address the growing phenomenon of forced human displacement.

98. **Mr. Garayev** (Azerbaijan) expressed concern at attacks against humanitarian workers and violations of civilians' rights during conflict situations and called on all parties to conflicts to scrupulously meet their obligations under international humanitarian and human rights law. In a context of increasingly mixed migration flows he underscored the importance of giving all persons who needed humanitarian assistance full access to the asylum system. His delegation supported the involvement of international humanitarian organizations, in particular UNHCR, in addressing the humanitarian consequences of climate change. As a country still dealing with internally displaced persons, Azerbaijan commended UNHCR for expanding its protection and assistance activities to internally displaced persons.

99. The occupation of nearly one fifth of Azerbaijan's territory as a result of conflict had made nearly one person in eight a refugee or internally displaced person, one of the highest proportions in the world. Despite major efforts to provide those persons with housing, and integration of their needs into poverty

reduction and development strategies, they continued to face many difficulties. The increased focus on urban refugees was welcome, but it was unfortunate that the international community tended to forget refugee and displacement situations after the initial emergency phase. It was important that the relevant United Nations agencies should continue to work to achieve a final, comprehensive and lasting settlement of refugee and displaced person situations. His Government remained committed to close collaboration with UNHCR with a view to overcoming current challenges.

100. **Mr. Young** (International Committee of the Red Cross (ICRC)) said that preventing violations of international humanitarian law was the best way to avert the traumatic effects of internal displacement of populations during armed conflict. The Geneva Conventions of 1949 were the core treaties of international humanitarian law and the foundation for the mandate of ICRC. International humanitarian law was aimed at meeting the needs of civilian populations, including displaced persons. The Guiding Principles on Internal Displacement accordingly incorporated many principles of international humanitarian law.

101. States bore primary responsibility for meeting the needs of internally displaced persons, but international law also required armed groups to refrain from arbitrary displacement of civilians and provide assistance and protection to internally displaced persons in areas under their control. Because they were civilians, internally displaced persons were at the heart of the mandate of ICRC, which, in partnership with the International Red Cross and Red Crescent Movement, provided a major humanitarian response to their needs.

102. It was essential that humanitarian workers be guaranteed access to populations in need. ICRC adopted a multi-faceted approach based on persuading the parties to a conflict to allow access to those affected and prevent human rights violations, meeting the basic needs of civilian populations and re-establishing family links. It was therefore essential that people everywhere understood the strictly humanitarian mission of the International Red Cross and Red Crescent Movement, including the specific mandate of ICRC with regard to victims of armed conflict and situations of violence.

103. No single organization could meet the needs of internally displaced persons. Cooperation with other humanitarian agencies, bearing in mind respective mandates and procedures, was vital. In the context of the cluster approach, United Nations agencies, in particular UNHCR, had become increasingly involved in meeting the needs of internally displaced persons. ICRC therefore strived to promote action-oriented complementarity with other organizations. Greater operational proximity in the field necessitated intensified dialogue and cooperation in order to avoid duplication of efforts and ensure maximum benefit for victims. In addition to humanitarian assistance, however, durable solutions to the problems associated with internal displacement must be found. That would require close dialogue with the relevant authorities and empowerment of the communities concerned.

104. **Ms. Christensen** (International Federation of Red Cross and Red Crescent Societies (IFRC)) recalled that IFRC had a long-standing tradition of providing humanitarian assistance to vulnerable migrants, irrespective of their legal status. A new, comprehensive Policy on Migration aimed at increasing the effectiveness of assistance to and protection of migrants, including asylum-seekers, refugees and stateless persons, would shortly be submitted to the IFRC General Assembly for consideration.

105. Cooperation between IFRC, UNHRC and the intergovernmental community had increased in 2009, in particular with regard to mixed migration flows. IFRC had worked with UNHCR and the International Office for Migration (IOM) to organize an expert round table in Tunis in July 2009 on meeting the needs of different populations. IFRC believed in an integrated approach to needs and vulnerabilities. The new Policy on Migration recognized that the specific needs of each migrant, in particular the most vulnerable, must be met. IFRC addressed the needs of all vulnerable migrants without discrimination, irrespective of their legal status.

106. Countries of origin and destination countries were adopting increasingly restrictive measures to reduce migration, diminishing migrants' access to basic protection and assistance. It was all the more important, therefore, that humanitarian actors, in particular national Red Cross and Red Crescent Societies, were guaranteed access and the means to provide the humanitarian services to which all human beings had a right. Disaster preparedness plans must likewise facilitate access of humanitarian aid organizations to migrants, regardless of their status.

107. As an international humanitarian network rooted in local communities, IFRC would continue to cooperate with UNHCR and other partners while its national societies would continue to engage in dialogue with their respective Governments on how to address humanitarian concerns related to migration. She hoped that the new IFRC Policy on Migration would help build a wider consensus on the humanitarian response to migration.

108. **Mr. Dall'Oglio** (International Organization for Migration (IOM)) welcomed the recent adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the first on that issue. The current economic crisis made the traditional distinction between economic and political migration even finer. While international and regional laws differentiated between asylum-seekers, refugees and other migrants, reality on the ground was quite blurred and migration flows were often mixed. Current conditions made successful management of migration even more difficult and underscored the importance of shared understanding of migration issues.

109. Dealing with and managing mixed migration flows composed of both asylum-seekers and other persons in need of international protection was a major area of cooperation between IOM and UNHCR. There was mutual recognition of the need to deepen cooperation and strengthen response to the needs of migrants and the victims of trafficking, each according to its own mandate. Joint efforts included mixed migration task forces at the field level, for example in the Gulf of Aden. The two organizations' respective offices in the Mediterranean likewise closely coordinated their actions. Cooperation for the organization of regional mixed migration workshops, the first two of which had been held in Sana'a and Dakar, would continue; the next, on the situation in the Americas, would be held in San José, Costa Rica, later that month.

110. Cooperation between IOM and UNHCR had continued to evolve with regard to meeting the needs of the internally displaced. They worked closely together in the Inter-Agency Standing Committee (IASC) and were co-leads of the IASC cluster on camp coordination and management. They also worked increasingly closely on meeting the challenges posed by climate change, environmental degradation and population movements. The two organizations had always worked together in the area of resettlement, for example in the Middle East, Asia and the Horn of Africa, and promoted resettlement throughout the European Union.

111. A major innovation in 2009 had been the partnership between IOM, UNHCR and the Governments of Romania, the Philippines and Slovakia for the establishment of emergency transit centres to facilitate third country resettlement. IOM would do its utmost to support the growing number of countries willing to participate in that international burden-sharing effort. It was likewise committed to reinforcing its mutually respectful partnership with UNHCR in the best interests of their stakeholders, especially those who required assistance.

Statements in exercise of the right of reply

112. **Mr. Keegel** (Sri Lanka), speaking in response to the ill-informed, biased and inaccurate comments relating to Sri Lanka made by the representative of Sweden speaking on behalf of the European Union, regretted that delegation's attempt once again to lecture his Government. Internally displaced persons in Sri Lanka continued to be protected and cared for by his Government with assistance from United Nations agencies and NGOs. Those internally displaced persons had been forcibly used as human shields by the Liberation Tigers of Tamil Elam (LTTE) and rescued by Sri Lankan security forces earlier in the year. They were unlike displaced persons in other parts of the world, where there were protracted situations of displacement. In the past few weeks nearly 60,000 persons had been returned to their homes; the total number of internally displaced persons had decreased from 294,000 to 167,000. That process would continue and should be acknowledged by the European Union.

113. Registered and screened internally displaced persons were allowed freedom of movement through a day pass system that had been in operation for some time. His Government was fully committed to protecting, assisting and resettling the internally displaced in accordance with international standards. It had allowed unrestricted access to all United Nations agencies as well as the 54 NGOs currently working in the camps. The Representative of the Secretary-General on human rights of internally displaced persons had commented positively on the situation in Sri Lanka and the unrestricted access allowed him during his visit. The Under-Secretary-General for

Humanitarian Affairs would likewise visit Sri Lanka that month at the invitation of the Government.

114. It was clear that the statement by the European Union was poorly researched and contained gross factual inaccuracies. His delegation rejected it. Making such unfounded allegations in the Committee cast any delegation in a poor light.

115. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) said that the imprudent remarks by the representative of the Republic of Korea constituted a challenge to the aspirations of the Korean people for unity, reconciliation and the reunification of the Korean peninsula. It was heartbreaking that the North and the South were represented in the Organization behind different nameplates and still more heartbreaking that the two brother nations continued to quarrel in international forums. It was against that background that his delegation refrained from criticizing the human rights situation in South Korea, including its security legislation, which defined the North, its system of Government and its people as enemies and provided for imprisonment of those who advocated reunification.

116. As for the specific remarks made by the delegate of South Korea, he acknowledged that a number of people had crossed the border illegally but it was not true that all returnees were punished or imprisoned. Each returnee's case was, of course, investigated to ascertain whether they had committed any crime before leaving, or while in a foreign country, but most were allowed to return home. He strongly warned his South Korean colleagues that the more they incited confrontation and division between the North and the South, the more their hostility would grow, and the more reunification and unity of a divided Korea would be delayed, for which they should be held fully responsible.

The meeting rose at 6.15 p.m.

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Chairperson: Mr. Penke (Latvia)

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The meeting was called to order at 10.15 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions *(continued)* (A/C.3/64/L.52 and L.58)

Draft resolution A/C.3/64/L.52: Office of the United Nations High Commissioner for Refugees

1. **Mr. Metso** (Finland) said that the following countries had joined the list of sponsors: Chile, France, Ireland, Micronesia (Federated States of), Montenegro, Thailand, Togo, Turkey, United States of America and Zambia.

2. Recalling the objectives of the draft resolution and summarizing the role of the Office of the United Nations High Commissioner for Refugees (UNHCR), he stressed that the Office cooperated with various categories of refugees and that partnerships played an important part in the fulfilment of its mandate. It was worth highlighting several elements of the draft resolution: the commemoration of the two core instruments on the rights of refugees; the internal reform of UNHCR and, more generally, of humanitarian action and of the United Nations; the security of humanitarian workers; the issue of refugees in urban settings; and the impact of climate change and the economic and financial crisis, in particular on the activities of UNHCR. Discussions on the draft resolution had taken place in a positive spirit. He called on delegations to adopt the text by consensus, as had been the case in previous years.

3. **The Chairperson** said that the following countries had joined the list of sponsors: Albania, Algeria, Angola, Armenia, Azerbaijan, Belarus, Belize, Benin, Burundi, Cape Verde, Congo, Costa Rica, Dominican Republic, Ecuador, Ethiopia, Guatemala, Haiti, Kenya, Kyrgyzstan, Lesotho, Liberia, Malawi, Morocco, Panama, Republic of Korea, Rwanda, Senegal, Sierra Leone, the former Yugoslav Republic of Macedonia and United Republic of Tanzania.

Draft resolution A/C.3/64/L.58: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

4. **Ms. Klopčič** (Slovenia), introducing the draft resolution, said that her country remained committed to the objectives of the Programme of UNHCR, and would continue to cooperate with all of the members of its Executive Committee in order to find constructive solutions to the issues at hand. Slovenia was determined to improve the situation of refugees through regional and international cooperation.

5. **The Chairperson** said that Afghanistan, Albania, Belarus, Benin and Ecuador had joined the list of sponsors.

Agenda item 64: Report of the Human Rights Council *(continued)* (A/C.3/64/L.50)

Draft resolution A/C.3/64/L.50: Guidelines for the Alternative Care of Children

6. **Ms. Brichta** (Brazil) said that the following countries had joined the list of sponsors: Austria, Dominican Republic, Italy, Netherlands, Peru, Portugal, Republic of Moldova, Switzerland and Turkey. She recalled that, on 17 June 2009, the Human Rights Council had adopted by consensus resolution 11/7, which provided that the Guidelines should be submitted to the General Assembly with a view to their adoption on the twentieth anniversary of the Convention on the Rights of the Child. She hoped that the draft resolution would be adopted by consensus.

7. **The Chairperson** said that the following countries had joined the list of sponsors: Albania, Azerbaijan, Belarus, Benin, Comoros, Egypt and Honduras.

Agenda item 68: Right of peoples to self-determination *(continued)* (A/C.3/64/L.51 and L.56)

Draft resolution A/C.3/64/L.51: Universal realization of the right of peoples to self-determination

8. **Mr. Sial** (Pakistan) said that Albania and the Comoros had joined the list of sponsors. He stressed that the right to self-determination was the most basic right of peoples and nations and the essential foundation of all human rights, and was enshrined in the International Covenants on human rights. Under international law, the right to self-determination was a condition sine qua non for the realization of all other rights; that right had enabled millions of oppressed people to achieve freedom from colonialism, apartheid, foreign occupation and alien domination. The text of the draft resolution was identical to that adopted by consensus at the sixty-third session of the General

Assembly; he hoped that it would be adopted by consensus at the current session.

9. **The Chairperson** said that the following countries had joined the list of sponsors: Bolivia, Côte d'Ivoire, El Salvador, Kenya, Togo and Zimbabwe.

Draft resolution A/C.3/64/L.56: The right of the Palestinian people to self-determination

10. **Mr. Attiya** (Egypt) said that the following countries had joined the list of sponsors: Armenia, Brunei Darussalam, Burundi, Cape Verde, Central African Republic, Gabon, Ghana, Italy, Lesotho, Liechtenstein, Monaco, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Slovenia and Spain.

11. The sponsors had once again submitted the draft resolution because the Palestinian people continued to suffer under Israeli occupation and to be deprived of their fundamental rights, in particular their inalienable right to self-determination. The sponsors would continue to do so until that right was fully respected. The current text was identical to that of the previous year, with the exception of technical updates and of references to the elements on which the negotiations conducted in the context of the Middle East peace process were founded.

12. The ninth preambular paragraph was particularly important: it was only in their own territory that the Palestinian people would be able to establish an independent, sovereign and viable State and live in peace and security alongside the State of Israel. He hoped that the Member States would send a strong message of solidarity and encouragement to the Palestinian people by adopting the draft resolution by consensus. He was confident that the support of the international community would eventually allow the Palestinian people to exercise their inalienable right to self-determination in their own independent, sovereign and viable State with East Jerusalem as its capital.

13. **The Chairperson** said that the following countries had joined the list of sponsors: Antigua and Barbuda, Belize, Croatia, Democratic Republic of the Congo, Iceland, Jamaica, Liberia, Norway, Republic of Moldova, Romania, San Marino, Slovakia, Switzerland and Uzbekistan.

Agenda item 69: Promotion and protection of human rights *(continued)*

(a) Implementation of human rights instruments *(continued)* (A/C.3/64/L.23/Rev.1 and L.24)

Draft resolution A/C.3/64/L.23/Rev.1: Torture and other cruel, inhuman or degrading treatment or punishment

14. **Mr. Khane** (Secretary of the Committee) said that the Secretariat had confirmed that the draft resolution had no programme budget implications under section 23 (Human rights). For that reason, no oral statement would be made referring to the provisions of General Assembly resolution 45/248 in relation to paragraph 37 of the draft resolution. Attention was, however, drawn to the provisions of General Assembly resolution 45/248 B, section VI, and subsequent resolutions, the most recent of which was resolution 62/236, in which the General Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions in that regard.

15. **Ms. Raabymagle** (Denmark) said that the United Nations was based on a number of standards and fundamental principles to which all Member States subscribed. One of those principles was the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. In plain and unequivocal terms, article 5 of the Universal Declaration of Human Rights provided that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment. All subsequent relevant international and regional instruments reaffirmed that principle, which underlay the faith of the international community in the dignity of every human being throughout the world. So long as that scourge continued to exist, the United Nations must speak out and denounce it.

16. The draft resolution was a result of bilateral meetings and informal consultations with a number of interested delegations. It referred in particular to the obligation of States to examine and follow up all allegations of torture, and called upon States to include in their domestic legislation the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. It was regrettable that despite developments in jurisprudence over recent years, no

consensus had been reached regarding the paragraph on corporal punishment, and it had therefore been necessary to remove that paragraph.

17. She was grateful to all delegations for their participation and constructive efforts. The shared objective throughout the discussions had been to arrive at a consensus text.

18. She was pleased to announce that Burkina Faso, Burundi, Côte d'Ivoire, Jordan, Maldives, Mali, Nicaragua, Panama, Turkey, Ukraine and Venezuela (Bolivarian Republic of) had joined the list of sponsors.

19. She was grateful to all partners for their commitment and interest, and called on all delegations that had not yet done so to join the 82 sponsors.

20. The Chairperson said that Angola, Belize, Chad, Israel, Morocco, San Marino and Seychelles had joined the list of sponsors.

21. *Draft resolution A/C.3/64/L.23/Rev.1 was adopted.*

22. **Ms. Zhang** (China), speaking in explanation of position following the adoption of the draft resolution, said that as one of the first States to sign the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, China firmly supported the efforts of the international community to combat that scourge. Her delegation was grateful that the main sponsor of the draft resolution had held several informal consultations, it had taken part in those consultations and had shown great flexibility with a view to reaching a consensus.

23. She wished to make a number of clarifications regarding the text that had been adopted. First, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, in his report to the General Assembly, had made unfounded accusations against Member States. Her delegation rejected such irresponsible acts and wished to dissociate itself from paragraph 29 of the draft resolution.

24. Second, by adopting the draft resolution, the Committee intended not only to encourage Member States to pay greater attention to the question of torture, but also to encourage the relevant United Nations bodies and mechanisms to improve their work. During consultations, her delegation had therefore proposed adding a phrase requesting the Special Rapporteur to abide by the code of conduct for special procedures mandate holders of the Human Rights Council and carry out his work in accordance with his mandate. Although many developing countries had supported the insertion of that phrase, it had regrettably not been included in the final text. Third, paragraph 4 of the draft resolution emphasized the importance of States ensuring proper follow-up to the recommendations and conclusions of the treaty bodies and mechanisms established under the relevant international instruments. Her delegation believed that the role of States in that regard was rather, on the basis of the principles of objectivity and impartiality, to study and apply those recommendations in a responsible manner, taking into account their own national conditions. China rejected, and could not implement, the conclusions and recommendations of bodies established under biased and politicized treaties. Her country would, however, continue to promote and uphold respect for and protection of human rights, and would continue to cooperate with the bodies established under the relevant human rights instruments on the basis of equality and mutual respect. Her delegation requested that its statement be reflected in the summary record.

25. **Ms. Sapag** (Chile) commended the impressive work carried out by the delegation of Denmark; however, her delegation would have preferred the reference to capital punishment to be preserved. Her delegation called on all of the delegations that had taken part in the consultations to bear that point in mind, since the death penalty was the most cruel and serious punishment that could be inflicted on a human being.

26. **Ms. Halabi** (Syrian Arab Republic) said that her delegation associated itself with the consensus and supported the efforts of the international community to combat torture. According to the draft resolution, States must duly meet their obligations with respect to torture and other cruel, inhuman or degrading treatment or punishment, and therefore a state or threat of war, political instability or any other emergency could not be used to justify torture. Her delegation wished to have that point included in the summary record of the meeting.

27. **Mr. Ndimeni** (South Africa) said that, while his delegation had joined in the consensus, it had hoped that the draft resolution would give greater consideration to contemporary forms of torture and

other cruel, inhuman or degrading treatment or punishment and other issues, particularly in relation to the closure of the Guantanamo detention centre and the question of the liability of the perpetrators of acts of torture and how a fair and effective remedy could be found in accordance with the fundamental principles and guidelines on the right to recourse and reparations for victims of flagrant violations of international human rights law and serious breaches of international humanitarian law. His delegation had hoped that those elements would be included in the draft resolution, but it would pursue bilateral contacts as agreed with the main sponsors.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/C.3/64/L.27 to L.34, L.38 to L.41 and L.44 to L.49)

Draft resolution A/C.3/64/L.27: Combating defamation of religions

28. **Mr. Rastam** (Malaysia) introduced the draft resolution on behalf of Belarus, the Organization of the Islamic Conference and the Bolivarian Republic of Venezuela.

29. The draft resolution introduced each year stressed the need to provide adequate protection against acts of hatred, discrimination, intimidation and coercion and to take all possible measures to promote tolerance and respect for all religions. It also considered the relationship between religion and race and multiple or aggravated forms of discrimination. Lastly, it reaffirmed that the freedom of opinion and expression enshrined in international human rights law must be exercised responsibly to ensure that they did not lead to the denigration of religions and therefore called for respect both for that freedom and for religions. The Organization of the Islamic Conference hoped that mutual trust and understanding could be achieved through a constructive dialogue on the draft resolution.

Draft resolution A/C.3/64/L.28: Promotion of a democratic and equitable international order

30. **Ms. Pérez Alvarez** (Cuba) said that the following countries had become sponsors of the draft resolution: Côte d'Ivoire, Ethiopia, Pakistan, Paraguay and Uganda. She recalled that the draft resolution, which was submitted to the Committee every year, was particularly important in the light of the current economic and financial crisis, which mainly affected developing countries even though they were not responsible for it. The draft resolution reiterated that the international order should guarantee the full enjoyment of human rights by all. With reference to the seventeenth preambular paragraph, she requested that the phrase "small island developing States" should be capitalized in the Spanish and English versions of the text.

31. **The Chairperson** announced that Algeria, the Congo and Lebanon also wished to sponsor the draft resolution.

Draft resolution A/C.3/64/L.29: Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

32. **Ms. Pérez Alvarez** (Cuba) said that the following countries had become sponsors of the draft resolution: Cambodia, Democratic Republic of the Congo, Ecuador, Ethiopia, Guinea-Bissau, Pakistan, Russian Federation and Turkmenistan.

33. The draft resolution, which was submitted to the Committee every two years, contained new elements and in particular advocated the elimination of double standards and respect for the principles of non-selectivity, impartiality and objectivity, including in the context of the universal periodic review. Recalling that the draft resolution had been adopted by consensus in previous years, she expressed the hope that that would also be the case at the sixty-fourth session.

34. **The Chairperson** announced that Rwanda also wished to become a sponsor of the draft resolution.

Draft resolution A/C.3/64/L.30: The right to food

35. **Ms. Pérez Alvarez** (Cuba) said that the following countries had become sponsors of the draft resolution: Albania, Andorra, Austria, Azerbaijan, Barbados, Belgium, Bhutan, Bosnia and Herzegovina, Botswana, China, Congo, Côte d'Ivoire, Croatia, Djibouti, Dominican Republic, El Salvador, Ecuador, Guinea-Bissau, Indonesia, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Lebanon, Liberia, Luxembourg, Maldives, Monaco, Montenegro, Pakistan, Panama, Papua New Guinea, Peru, Portugal,

Saudi Arabia, Serbia, Suriname, Switzerland, Tuvalu, United Republic of Tanzania and Zambia.

36. She noted that, while the right to food was internationally recognized as a fundamental right, nearly 1 billion people currently suffered from hunger because of the food crisis, which had the greatest impact on people in developing countries. The draft resolution reiterated that hunger was an outrage to human dignity that required the adoption of urgent measures at the national, regional and international levels and the mobilization of technical and financial resources from all sources to guarantee food security for all. She announced that some sections of the previous year's text had been changed during the informal consultations and that the changes would appear in a new version of the text under the symbol A/C.3/64/L.30/Rev.1.

37. **The Chairperson** announced that the following countries also wished to sponsor the draft resolution: Bahamas, Belize, Comoros, Costa Rica, Cyprus, Democratic Republic of the Congo, Italy, Jamaica, Niger, Nigeria, Norway, Philippines, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Trinidad and Tobago and Yemen.

Draft resolution A/C.3/64/L.31: Globalization and its impact on the full enjoyment of all human rights

38. **Mr. Attiya** (Egypt) said that the following countries had become sponsors of the draft resolution: Burundi, Cape Verde, Central African Republic, Comoros, Congo, Djibouti, Gabon, Guinea-Bissau, Haiti, Kenya, Liberia, Rwanda, Saint Vincent and the Grenadines, Sierra Leone, Somalia and Suriname.

39. In his view, the growing number of countries sponsoring the draft resolution, which was submitted annually, demonstrated the significance of the issue. He stressed that the goal was not to prejudge the course of globalization or to make value judgments, but rather to grasp the complexity of the changes in communications and production as well as in technological tools and the impact of many current phenomena in order to seek ways to improve the enjoyment of all human rights in the modern world and to ensure that the international community was better equipped to meet new challenges and take advantage of new opportunities. Granted, globalization had its advantages, but greater attention must be paid to the fact that neither the benefits nor the costs were shared equally.

40. Seeing an opportunity to reconcile — or even unify — views on aspects of globalization relating to human rights, Egypt hoped that one outcome of the discussions of the Secretary-General's recent report would be a better understanding of the phenomenon that would lead to greater cooperation in mitigating its negative impact. The sponsors of the draft resolution, wishing to promote a consensus-based approach, called on all Member States to cooperate in the implementation of the resolution that would be adopted.

41. **The Chairperson** announced that Lesotho and Uzbekistan had become sponsors of the draft resolution.

Draft resolution A/C.3/64/L.32: National institutions for the promotion and protection of human rights

42. **Mr. Schroeer** (Germany) said that Israel and Serbia had become sponsors of the draft resolution. Recalling that the draft resolution was based on General Assembly resolution 63/172, submitted by Germany for the first time in 2008 and adopted by consensus, he underlined its main points and noted the technical updates and additions that had been made to the resolution from the previous year, including a reference to the related report (A/64/320) and the establishment of a biennial periodicity for the Secretary-General's reports on the issue. His delegation had been unable to simplify the draft resolution as much as it would have wished, because some of the sponsors were attached to certain parts of resolution 63/172, but that the draft resolution was nevertheless shorter than the previous resolution.

43. **The Chairperson** announced that the following countries also wished to become sponsors of the draft resolution: Angola, Armenia, Bangladesh, Benin, Cape Verde, Ecuador, Georgia, Honduras, Iceland, Mongolia, Nigeria, Peru, Philippines, Republic of Korea, Sri Lanka, the former Yugoslav Republic of Macedonia and Vanuatu.

Draft resolution A/C.3/64/L.33: Follow-up to the International Year of Human Rights Learning

44. **Mr. Babadoudou** (Benin) said that the following countries had become sponsors of the draft resolution:

Argentina, Bolivia, Bosnia and Herzegovina, Dominican Republic, Luxembourg, Peru and Spain. He said that, compared to earlier years, the sponsors, who hoped that the draft resolution would again be adopted by consensus, had wished to deepen the notion of human rights learning by adding the fifth preambular paragraph and four new paragraphs, including paragraph 4, which was particularly important.

45. **The Chairperson** announced that the following countries also wished to become sponsors of the draft resolution: Albania, Armenia, Austria, Azerbaijan, Belarus, Belize, Chile, Cyprus, Colombia, Croatia, Ecuador, Guinea-Bissau, Haiti, Honduras, Italy, Nicaragua, Norway, Panama, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Serbia and Slovenia.

Draft resolution A/C.3/64/L.34: Protection of and assistance to internally displaced persons

46. **Mr. Michelsen** (Norway) said that the following countries had become sponsors of the draft resolution: Angola, Armenia, Australia, Canada, Cape Verde, Chile, Czech Republic, France, Greece, Honduras, Hungary, Ireland, Mexico, Peru, Republic of Korea, Republic of Moldova, Romania, Rwanda, San Marino, Serbia, Slovakia and United Kingdom of Great Britain and Northern Ireland. He recalled that the draft resolution, which was introduced by Norway every two years, traditionally received universal support and stressed that 26 million persons were currently internally displaced owing to armed conflict, generalized violence or human rights violations in all regions of the world, and that some 36 million others were internally displaced as a result of natural disasters. He emphasized that, by adopting the draft resolution, the General Assembly would call upon States to find durable solutions for displaced persons, would welcome the fact that a growing number of countries had adopted domestic legislation covering all stages of displacement and would note that the number of displaced persons owing to natural disasters was liable to rise, particularly under the impact of climate change.

47. **The Chairperson** announced that the following countries also wished to sponsor the draft resolution: Congo, Democratic Republic of the Congo, Ecuador, El Salvador, Estonia, Ethiopia, Italy, Liberia, Micronesia (Federated States of), Portugal, Sierra Leone and Uganda.

Draft resolution A/C.3/64/L.38: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

48. **Ms. Tvedt** (Norway) said that the following countries had become sponsors of the draft resolution: Andorra, Angola, Bosnia and Herzegovina, Bulgaria, Chile, Congo, Côte d'Ivoire, Croatia, Guatemala, Honduras, Iraq, Italy, Jordan, Mexico, Monaco, New Zealand, Panama, Peru, Republic of Moldova, Romania, Serbia, the former Yugoslav Republic of Macedonia, United States of America and Uruguay. She hoped that the draft resolution, which Norway submitted every two years and which traditionally received universal support, would once again be adopted without a vote. Thanking those States that had participated in the informal consultations, she said that the consultations would continue and that a revised text would be introduced early the following week.

49. **The Chairperson** announced that the following countries wished to become sponsors of the draft resolution: Benin, Cape Verde, Cyprus, Dominican Republic, Micronesia (Federated States of), Montenegro, Republic of Korea, San Marino, Slovakia and Vanuatu.

Draft resolution A/C.3/64/L.39: Elimination of all forms of intolerance and of discrimination based on religion or belief

50. **Ms. Mårtensson** (Sweden) said that the following countries had become sponsors of the draft resolution: Benin, Chile, Dominican Republic, Ecuador, Honduras, Monaco, New Zealand, Panama, Serbia and Uruguay. The draft was based primarily on texts that had been approved in previous years, except for some new elements that had been added to address the growing problem of violence against persons belonging to religious minorities throughout the world, a problem to which Governments and other authorities must find a solution. Consultations were continuing; adoption of the draft resolution would reaffirm the international community's determination to eliminate all forms of intolerance and of discrimination based on religion or belief, while promoting freedom of religion and conscience.

51. **The Chairperson** announced that the following countries had become sponsors of the draft resolution: Angola, Cape Verde, Colombia, Costa Rica, Georgia,

Haiti, Paraguay, Peru, Philippines, San Marino, Sri Lanka and Vanuatu.

Draft resolution A/C.3/64/L.40: Subregional Centre for Human Rights and Democracy in Central Africa

52. **Ms. Mballa Eyenga** (Cameroon) said that the following countries had become sponsors of the draft resolution: Austria, Chile, Comoros, Liberia, Niger, United Republic of Tanzania and Zambia. The objective of the draft resolution was to secure Member States' support for the Centre and to inform them of the Centre's activities. The purpose of the Centre was to contribute to the training of staff responsible for managing activities related to human rights and democracy; support the establishment or strengthening of competent national institutions; help disseminate relevant international instruments; and, lastly, prevent conflicts and promote sustainable peace and development and the establishment of a culture of democracy and the rule of law in the subregion.

53. The draft resolution was almost identical to resolution 63/177, except for a few technical updates and the new paragraph 4. The draft resolution would henceforth be presented every two years, demonstrating that the Centre was on the right track after eight years of operation.

54. **The Chairperson** announced that the following countries had become sponsors of the draft resolution: Albania, Algeria, Argentina, Belgium, Chile, Costa Rica, Ghana, Haiti, Honduras, Malawi, Mali, Morocco, Portugal, Sri Lanka, Sudan, Uganda and United States of America.

Draft resolution A/C.3/64/L.41: Protection of migrants

55. **Mr. González** (Mexico) said that the following countries had become sponsors of the draft resolution: Albania, Belarus, Côte d'Ivoire, Democratic Republic of the Congo, Indonesia, Kyrgyzstan, Mali and Morocco. The sponsors of the draft resolution had restructured it for the sake of greater clarity, by linking the human rights of migrants with the corresponding obligations of States. The text considered the phenomenon of migration from a broader perspective, taking into account the fact that migrant workers were among the people most vulnerable to the effects of the current global economic and financial crisis. As Member States had participated actively in the consultations, the draft had obtained almost all the necessary support for its adoption by consensus. However, he urged delegations that had not yet done so to become sponsors.

56. **The Chairperson** announced that the following countries had become sponsors of the draft resolution: Congo, El Salvador, Ethiopia, Niger, Senegal and Uganda.

Draft resolution A/C.3/64/L.44: United Nations Decade for People of African Descent

57. **Mr. Suarez** (Colombia), introducing draft resolution A/C.3/64/L.44 on behalf of the sponsors, which had been joined by the Dominican Republic, said that the obstacles faced by people of African descent in fully exercising their rights in all areas had been documented in several studies and reports of entities of the United Nations system, including the Economic Commission for Latin America and the Caribbean.

58. While some of the sponsors of the draft resolution, including Colombia, were among the countries with the highest concentration of people of African descent, he hoped that the entire international community would support the draft resolution.

59. **The Chairperson** announced that Belarus, Bolivia, Honduras and Senegal had become sponsors of the draft resolution.

Draft resolution A/C.3/64/L.45: Human rights and unilateral coercive measures

60. **Ms. Pérez Álvarez** (Cuba), introducing draft resolution A/C.3/64/L.45 on behalf of the member States of the Movement of Non-Aligned Countries, said that the third preambular paragraph of the draft resolution should be amended to read as follows: "Taking note of the report of the Secretary-General submitted pursuant to resolution 1999/21 of the Commission on Human Rights of 23 April 1999, and the reports of the Secretary-General on the implementation of resolutions 52/120 of 12 December 1997, 55/110 of 4 December 2000 and 63/179 of 18 December 2008". In addition, the reference to footnote 2 should be moved to the end of the paragraph and all the footnote references contained in the paragraph should be renumbered accordingly.

61. **The Chairperson** announced that China and Jamaica had become sponsors of the draft resolution.

Draft resolution A/C.3/64/L.46: Enhancement of international cooperation in the field of human rights

62. **Ms. Pérez Álvarez** (Cuba), introducing draft resolution A/C.3/64/L.46 on behalf of the member States of the Movement of Non-Aligned Countries, said that, in the third preambular paragraph, the word "Switzerland" should be added after the word "Geneva". She hoped that the draft resolution would be adopted by consensus as at past sessions of the Assembly.

63. **The Chairperson** announced that China had become a sponsor of the draft resolution.

Draft resolution A/C.3/64/L.47: The right to development

64. **Ms. Pérez Álvarez** (Cuba) introduced draft resolution A/C.3/64/L.47 on behalf of the member States of the Movement of Non-Aligned Countries.

65. **The Chairperson** announced that China had become a sponsor of the draft resolution.

Draft resolution A/C.3/64/L.48: The promotion of equitable geographical distribution in the membership of the human rights treaty bodies

66. **Ms. Pérez Álvarez** (Cuba), introducing draft resolution A/C.3/64/L.48 on behalf of the member States of the Movement of Non-Aligned Countries, said that a draft resolution on the question would henceforth be presented every two years. In paragraph 3 of the draft resolution, the word "conference" should be replaced by the words "meeting or conference".

67. **The Chairperson** announced that China had become a sponsor of the draft resolution.

Draft resolution A/C.3/64/L.49: Human rights and cultural diversity

68. **Ms. Pérez Álvarez** (Cuba), introducing draft resolution A/C.3/64/L.49 on behalf of the member States of the Movement of Non-Aligned Countries, said that a draft resolution on the question would henceforth be presented every two years. She hoped that the draft resolution would be adopted by consensus, as in the past.

69. **The Chairperson** announced that China had become a sponsor of the draft resolution.

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)* (A/C.3/64/L.35 to L.37)

Draft resolution A/C.3/64/L.35: Situation of human rights in the Democratic People's Republic of Korea

70. **Ms. Mirow** (Sweden), speaking on behalf of the European Union and Japan, introduced the draft resolution on behalf of its sponsors, which had been joined by Saint Lucia, Tuvalu and Vanuatu. The draft resolution took note of some positive developments that had been observed in relations between the Democratic People's Republic of Korea and certain international human rights organizations, but expressed concern about the absence of any concrete improvement in the situation in that country. The delegation of the Democratic People's Republic of Korea had been kept informed of progress on the formulation of the draft resolution, but it had refused to participate in the process. The sponsors hoped that the draft resolution would be supported by as many delegations as possible if it was put to a vote.

71. **The Chairperson** announced that El Salvador had become a sponsor of the draft resolution.

Draft resolution A/C.3/64/L.36: Situation of human rights in Myanmar

72. **Ms. Schlyter** (Sweden), speaking on behalf of the European Union, said that the draft resolution was shorter than that adopted at the previous session. She hoped that Myanmar would continue to cooperate with the sponsors and that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/64/L.37: Situation of human rights in the Islamic Republic of Iran

73. **Mr. Normandin** (Canada), introducing the draft resolution on behalf of the sponsors, noted that it was based largely on the report of the Secretary-General submitted pursuant to General Assembly resolution 63/191 (A/64/357). He called on Member States to assume their collective responsibility to draw attention to particularly alarming situations in the area of human rights, taking into account the report which the Secretary-General had submitted at their request. Despite its contention that cooperation was more effective than resolutions, the Islamic Republic of Iran was still refusing to cooperate with the relevant institutions, mandate holders and mechanisms. The

sponsors hoped that the draft resolution would receive broad support.

Agenda item 61: Social development (*continued*)
(A/C.3/64/L.5/Rev.1)

Draft resolution A/C.3/64/L.5/Rev.1: Inclusion of persons with disabilities in realizing the Millennium Development Goals

74. **The Chairperson** said that the draft resolution had no programme budget implications.

75. **Ms. Kafanabo** (United Republic of Tanzania), introducing draft resolution A/C.3/64/L.5/Rev.1, said that China, Finland, Indonesia, Ireland, Sweden, Thailand, Turkey and the United States of America had become sponsors.

76. In the context of the implementation of the Millennium Development Goals, it was important not to exclude more than 10 per cent of the world's population: persons with disabilities. As had been noted in recent years, particularly during the negotiation and adoption of the Convention on the Rights of Persons with Disabilities, it was absolutely necessary to improve the situation of persons with disabilities by increasing their visibility. The draft resolution was intended to complement the resolution adopted by the General Assembly at its sixty-third session. Her delegation and the delegation of the Philippines, which were jointly introducing the draft resolution, were gratified by the support received from other delegations and hoped that the draft resolution would be adopted by consensus.

77. **The Chairperson** announced that the following countries had become sponsors of the draft resolution: Albania, Armenia, Azerbaijan, Bangladesh, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cape Verde, Chad, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, France, Georgia, Ghana, Greece, Guinea, Haiti, Iceland, India, Israel, Jamaica, Kenya, Kyrgyzstan, Latvia, Lebanon, Liberia, Lithuania, Maldives, Mali, Malta, Mexico, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nicaragua, Niger, Nigeria, Norway, Peru, Qatar, Republic of Korea, Republic of Moldova, Rwanda, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, the former Yugoslav Republic of Macedonia, Togo, Uganda and Zimbabwe.

78. **The Chairperson** said that he took it that the Committee wished to adopt draft resolution A/C.3/64/L.5/Rev.1 without a vote.

79. *Draft resolution A/C.3/64/L.5/Rev.1 was adopted.*

Agenda item 62: Advancement of women (*continued*)

(a) Advancement of women (*continued*)
(A/C.3/64/L.19)

Draft resolution A/C.3/64/L.19: Improvement of the situation of women in rural areas

80. **The Chairperson** said that the draft resolution had no programme budget implications. At the time of the introduction of the draft resolution, the following countries had become sponsors: Angola, Antigua and Barbuda, Cameroon, Chile, Congo, Côte d'Ivoire, Ethiopia, Haiti, Iraq, Jordan, Kyrgyzstan, Morocco, Mozambique, Paraguay, Peru, Thailand and Zimbabwe.

81. **Ms. Ochir** (Mongolia) said that, since the introduction of the draft resolution, the following countries had also become sponsors: Algeria, Argentina, Bolivia, Cape Verde, China, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Kenya, Liberia, Malawi, Malaysia, Mexico, Namibia, Nicaragua, Nigeria, Sierra Leone, Sri Lanka, Sudan, the former Yugoslav Republic of Macedonia, Turkey and United States of America.

82. As a result of extensive informal consultations among Member States, a number of revisions had been made to the draft resolution.

83. In the seventh preambular paragraph, the phrase "the Doha Declaration on Financing for Development" should be replaced with the phrase "recalling the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, held in Doha".

84. In the last line of the English version of paragraph 2 (f), a comma should be inserted after the words "reproductive health". In the same line, the word "prevention," and the word "services" should be inserted after the words "HIV/AIDS" and "care and support", respectively. The last line of subparagraph (f) would thus read: "of sexual and reproductive health, and HIV/AIDS prevention, treatment, care and support services".

85. In subparagraph (g), the phrase "increased financial resources" should be replaced with the words "resource generation".

86. The phrase "as well as quality, affordable and universally accessible primary health care and services" should be inserted after the words "sexual and reproductive health".

87. In subparagraph (j), the words "their equal access" should be replaced with the phrase "access on an equal basis".

88. In subparagraph (r), the phrase "where private ownership of land and property exists" should be deleted. In addition, the words "and lease" should be inserted after the phrase "equal rights to own" and, following the phrase "and undertaking administrative reforms and", the word "other" should be replaced with the word "all". The subparagraph should thus read: "Designing, revising and implementing laws to ensure that rural women are accorded full and equal rights to own and lease land and other property, including through the right to inheritance, and undertaking administrative reforms and all necessary measures to give women the same right as men to credit, capital, appropriate technologies and access to markets and information".

89. In paragraph 2 (t), the word "Increasing" should be replaced with the word "Developing". The phrase ", while acknowledging technical assistance of relevant United Nations agencies" should be inserted at the end of the subparagraph.

90. In paragraph 3, the phrase "Urges Governments" should be replaced with the phrase "Strongly encourages Member States". Following the words "to identify and address", the article "the" should be replaced with the word "any" and consequently the word "impacts" should be changed to the singular. Paragraph 3 would thus read: "Strongly encourages Member States, United Nations entities and all other relevant stakeholders to take measures to identify and address any negative impact of the current global crises on women in rural areas, including legislation, policies and programmes that strengthen gender equality and the empowerment of women".

91. In conclusion, her delegation expressed appreciation to all those who had worked constructively during the informal consultations to finalize the text of the draft resolution, which she hoped would be adopted, as in the past, by consensus.

92. The Chairperson said that Belize, Bhutan, Burkina Faso, Burundi, Chad, Comoros, Democratic Republic of the Congo, Dominican Republic, Egypt, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, India, Israel, Lebanon, Lesotho, Madagascar, Rwanda, Seychelles, Togo, United Republic of Tanzania, Uruguay and Zambia had become sponsors of the draft resolution as orally revised.

93. He took it that the Committee wished to adopt the draft resolution as orally revised without a vote.

94. *Draft resolution A/C.3/64/L.19 was adopted.*

Rights of reply

95. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his delegation categorically rejected draft resolution A/C.3/64/L.35, introduced on behalf of the European Union and Japan, as it was full of fabrications and nothing more than a product of political conspiracy by hostile forces.

96. Since the end of the Second World War, and particularly since the deployment of troops in the southern part of Korea, the Korean peninsula had been a theatre of confrontation between the East and the West and, following the end of the cold war, between the North and the South. For some, the protection of human rights in the Democratic People's Republic of Korea was protection only in name. Their main concern was not so much to protect human rights in that country as to protect their own political interests and to deny and obliterate the State and social system in place there. That was a serious error, as neither denial, nor obliteration could harm the socialist system chosen and defended by the Koreans themselves. Such futile and meaningless resolutions could continue to be introduced, but they would never destroy the people-centred socialist system of the Democratic People's Republic of Korea.

97. **Mr. Al Habib** (Islamic Republic of Iran), speaking in exercise of the right of reply, said that, once again, Canada had introduced a draft resolution containing significant inaccuracies and biased information on the human rights situation in his country. The Canadian delegation maintained that the General Assembly had expressed grave concern at the

human rights situation in Iran in the previous year. However, it should be noted that, upon examination, the list of sponsors of the draft resolution comprised representatives not of the international community, but rather of the European Union, as well as other countries that attempted to impose their values and cultures on others and that, in some cases, were ignorant of the geographical location of Iran or even of the continent on which it was found. It was sad and regrettable that over the past few months and through various means, countries like Canada had encouraged others to vote in favour of the draft resolution. It was also deplorable that Canada, together with two or three other countries, was using the Committee for political purposes and continued to apply double standards — patent proof that they were not in the least concerned about the human rights situation in other countries. The draft resolution did not in any way reflect the human rights situation in the Islamic Republic of Iran; his delegation categorically rejected it, as it lacked all objectivity and credibility in both form and substance.

98. If Canada was truly concerned about human rights, it should attempt to improve its own record. The Committee on the Elimination of Racial Discrimination had expressed concern at the fact that minority groups in Canada, in particular African Canadians and indigenous peoples, continued to face discrimination in recruitment, remuneration and job security, and were significantly underrepresented in public office and Government positions. The Committee had also expressed deep concern about the deplorable living conditions of the Canadian indigenous peoples. The Committee on the Elimination of Discrimination against Women had noted that a disproportionate number of indigenous women in Canada were incarcerated; the same was true of African Canadian women and other women of colour. It had also expressed concern that such women continued to suffer from multiple forms of discrimination, particularly in terms of access to employment, housing, education and health care. In conclusion, Canada's decision to introduce a country-specific draft resolution in the Committee was a clear abuse of United Nations human rights mechanisms for political ambitions. His delegation therefore called on Member States to reject such tactics, which only damaged the credibility of the Organization.

The meeting rose at 1.15 p.m.

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